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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

KURT A. BENSHOOF,
A.R.W. By and Through His Father,
KURT A. BENSHOOF,

Plaintiffs,

v.

MARSHALL FERGUSON, J. DOE,
BLAIR RUSS, JESSICA SKELTON,
MICHAEL TRACY, SARAH TURNER,
JAMAL WHITEHEAD,
In Their Individual Capacities,

Defendants.

Case No.

COMPLAINT FOR DAMAGES

I. INTRODUCTION

A. Prologue

In 2020, City of Seattle officials and private businesses adopted the quasi-religious beliefs promulgated by their high priest, Anthony Fauci, demanding total obedience from others. Like a maniacal cult of radical Islam, they deemed any Christian who refused to wear a burqa a heretic, bereft of rights, a direct and

COMPLAINT FOR DAMAGES
WAWD No.
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1 imminent threat to the cult. It was the clinical presentation of narcissistic borderline
2 personality disorder, systemically inculcated and writ large. With a hypocrisy that
3 only neo-liberalism could engender, cultural Marxism in blue hair, only those who
4 obeyed the cult's orders were acceptably diverse and rewarded with inclusive
5 tolerance.
6

7 The cult began persecuting Plaintiff Kurt Benshoof ("Benshoof") for his
8 religious beliefs in 2020. The Christian principle of honesty, the reverence for one's
9 God-given immune system, and the honor for "rights endowed by our Creator" were
10 all heretical to the cult. Even the cult's unassailable mantra of "my body my choice"
11 was selectively bequeathed, only granted to cultists advocating for the murder of
12 unborn boys and girls.
13

14 When Benshoof's beliefs remained firmly held, despite the persecution,
15 Benshoof's minor son, A.R.W. was kidnapped, his car stolen, by two perjuring whores
16 who then tried to evict Benshoof from his home so that the whore could sell it for
17 profit. Because the lying whores were card-carrying cultists, police, prosecutors, and
18 judges ignored the facts, ignored the laws, reversing victim and abusers. This was
19 not a one-time mistake by public officials: this has been a systemic pattern for nearly
20 *three years*.
21

22 **B. Complaint Summary**

23 Amidst the foregoing backdrop, Defendants are the latest individuals to wield
24 the cult's torches and pitchforks, encircling Benshoof's life and home with the droning
25

1 chants of the criminally insane, concealing the whereabouts of A.R.W. behind a
2 shroud of lies. Benshoof and A.R.W., by and through his father, bring this Complaint
3 against defendants for their conspiracy against Plaintiffs' rights under 42 U.S.C. §§
4 1983; 1985, for violation of The Religious Freedom Restoration Act of 1993 (RFRA)
5 42 U.S.C. §2000bb, *et seq.*, and for tort claims of negligence.
6

7 If Benshoof was Jewish, Talmudic scripture would sanction lying to the Goyim,
8 stealing from the Goyim, and raping Goyim children. However, Benshoof is not
9 Jewish, nor a thief, nor a child abuser, and his Covenant with God requires him to
10 tell the truth at all times. While the truth has certainly annoyed defendants, the
11 tenet of Benshoof's faith that has subjected him to grievous religious persecution is
12 the requirement that Benshoof seek redress against those who violate the rights of
13 others and violate our laws: in the eyes of defendants, that is Benshoof's cardinal sin.
14

15 Defendants have acted and continue to act *ultra vires* to suborn perjury, to
16 render criminal assistance to the ongoing kidnapping of A.R.W., to act as accessories
17 after the fact, to violate Plaintiffs' right of familial association, to violate Plaintiffs'
18 right to petition for redress, to deny Plaintiffs their life and liberty, to subject
19 Benshoof to excessive fines and cruel punishments, to deny Benshoof due process,
20 and to deny Plaintiffs equal protection under the law.
21

22 Plaintiffs' Complaint provides relevant, contextual *background* information,
23 which is added to facilitate the Court's understanding and just adjudication of the
24

1 *current* matters in controversy for Plaintiffs' claims for damages, *pertaining to*
2 *events between January 16, 2024, and June 6, 2024.*

3 II. PARTIES

4
5 Plaintiff Kurt A. Benshoof ("Benshoof") has lived in King County, Washington
6 at all times material to this lawsuit.

7 Plaintiff A.R.W. ("A.R.W."), son of Kurt A. Benshoof, is believed to have lived
8 in King County Washington at all times material to this lawsuit.

9 Defendant Marshall Ferguson ("Ferguson") is a King County Superior Court
10 Judge, is sued in his individual capacity, and has lived in the western district of
11 Washington at all times material to the claims herein.

12
13 Defendant Blair M. Russ ("Russ"), current counsel for Jessica Owen, is sued in
14 his individual capacity, and at all times material to the claims herein has resided in
15 King County Washington.

16 Defendant Jessica Skelton ("Skelton"), current counsel for Gregory Narver and
17 Sarah Mack, is sued in her individual capacity, and at all times material to this
18 Complaint has resided in the western district of Washington.

19
20 Defendant Michael Tracy ("Tracy"), current co-counsel for Nathan Cliber, is
21 sued in his individual capacity, and at all times material to the claim herein has
22 resided in the western district of Washington.

23 Defendant Sarah Turner ("Turner"), current co-counsel for Nathan Cliber, is
24 sued in her individual capacity, and at all times material to the claims

1 herein has lived in the western district of Washington.

2 Defendant Jamal N. Whitehead ("Whitehead") is a U.S. District Court Judge
3 for the Western District of Washington, Seattle,, is sued in his individual capacity,
4 and has lived in King County at all times material to the claims herein.
5

6 Clerk J. Doe is a clerk for the U.S. District Court for the Western District of
7 Washington, Seattle, is sued in their individual capacity, and has lived in the western
8 district of Washington at all times material to the claims herein.

9 III. JURISDICTION

10 Pursuant to Fed.R.Civ.P. 17(c)(2), the Court has jurisdiction to hear the claims
11 of A.R.W. by Benshoof is acting as next friend to A.R.W.
12

13 Pursuant to Fed.R.Civ.P. 65 the Court has jurisdiction to grant an injunction
14 to Plaintiffs.

15 Pursuant to 28 U.S.C. § 1331 this Court has jurisdiction and is required to
16 adjudicate federal questions involving constitutional violations of Plaintiffs' rights.
17

18 Pursuant to 28 U.S.C. § 1654 this Court has jurisdiction to hear Plaintiffs' *pro*
19 *se.*

20 Pursuant to 42 USC §§1983; 1985 (2)(3); 1986, this Court has jurisdiction.

21 Pursuant to 42 U.S.C. 2000bb, *et seq.* this Court has jurisdiction.

22 Pursuant to the Habeas Corpus Act of 1867, this Court has jurisdiction to grant
23 Plaintiffs a Writ of Habeas Corpus to end their unlawful restraint by Defendants.
24

Pursuant to the 1871 Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, Session I, Ch. 22, § 6, this Court has jurisdiction of all civil and criminal causes arising under § 2 of said act, including empaneling a grand jury.

Pursuant to 28 U.S.C. § 1391(b)(1) venue is proper in the Western District of Washington because all claims arise out of King County, Washington.

IV. SWORN STATEMENT OF FACTS

Upon his firsthand knowledge, and his information and belief, Benshoof avers the following statements under penalty of perjury, averments to which Benshoof is prepared to testify under oath at trial.

A. Background – Religious Beliefs

1. Benshoof's firmly held religious beliefs are a spiritual Covenant with God. ("spiritual Covenant").

2. Benshoof's spiritual Covenant requires him to speak the truth.

3. Benshoof's spiritual Covenant requires him to confront, expose, and seek redress against liars and their lies, particularly when those liars seek to violate the First Amendment by denying others their right, endowed by their Creator, to: (1) free exercise of religion; (2) petition for redress of grievances; and (3) familial association.

4. Benshoof's spiritual Covenant requires him to confront, expose, and seek redress against liars and their lies, particularly when those liars seek to violate the

1 Fourteenth Amendment by denying others the right to due process and equal
2 protection under the law.

3 5. Benshoof's spiritual Covenant holds that "an individual who breaks a[n]
4 [order] that conscience tells him is un[lawful], and who willingly accepts the penalty
5 of imprisonment in order to arouse the conscience of the community over its injustice,
6 *is in reality expressing the highest respect for law.*" —Rev. Martin Luther King, Jr.
7 Letter From Birmingham Jail, April 16, 1963.
8

9 6. When corrupt public officials, corrupt attorneys, or corrupt private
10 individuals, violate the foregoing tenets of Benshoof's beliefs, Benshoof is presented
11 with a Faustian bargain, either: (1) violate his spiritual Covenant to comply with the
12 unlawful demands of criminals; or (2) uphold his spiritual Covenant and be subjected
13 to threats of unlawful imprisonment and retaliatory financial sanctions. "In times of
14 universal deceit, speaking the truth becomes a revolutionary act." —George Orwell.
15

16 7. Benshoof duly informed Whitehead of Benshoof's firmly held spiritual
17 belief that the "rights of The People are inalienable, that his rights were endowed by
18 his Creator, and that the U.S. Constitution was written and ratified to prohibit public
19 servants from infringing upon the inalienable rights of the people, including
20 Plaintiff." (WAWD No. 2:23-cv-1392-JNW, Dkt. #9 ¶4)
21

22 8. Benshoof duly informed Whitehead of Benshoof's firmly held spiritual
23 belief that the "U.S. Constitution and Washington Constitution are sacred documents
24 embodying the teachings of Christ, enshrining the natural law of Creation as
25

1 enforceable contracts binding upon all duly sworn thereto; both *malum in se* and
2 *malum prohibitum*. A violation of a public official's oath constitutes a violation of the
3 contract between a public servant and every citizen." (*Id.*, ¶5)

4
5 9. Benshoof duly informed Whitehead of Benshoof's firmly held spiritual
6 belief that "Acts of Congress made law in accordance with the U.S. Constitution are
7 sacred commandments." (*Id.*, ¶6)

8
9 10. Benshoof duly informed Whitehead of Benshoof's firmly held spiritual
10 belief that Acts "of the Washington legislature made law in accordance with the
11 federal and state constitutions are sacred commandments." (*Id.*, ¶7)

12
13 11. Benshoof duly informed Whitehead of Benshoof's firmly held spiritual
14 belief that a "violation of the U.S. Constitution or the Washington Constitution
15 constitutes a violation of Plaintiff's firmly held religious beliefs." (*Id.*, ¶8)

16
17 12. Benshoof duly informed Whitehead of Benshoof's firmly held spiritual
18 belief that "[l]ies are the foundation of every evil. Liars must be held to account lest
19 our communities, courts, and governments rot from the pernicious decay of festering,
20 unchallenged lies. Plaintiff is spiritually oathbound to seek equal justice for all." (*Id.*,
21 ¶15)

22
23 13. Benshoof duly informed Whitehead of Benshoof's firmly held spiritual
24 belief that Benshoof's "lawsuits are spiritual documents by which to perform
25 exorcisms, removing demonic forces from the bodies of defendants; as such, frivolous
26 attempts to dismiss Plaintiff's complaint without strict scrutiny would: 1) interfere

1 with his sacred religious ritual performed to serve a public interest, 2) violate the free
 2 exercise of his religious beliefs, and 3) violate his right to petition for redress of his
 3 grievances.” (*Id.*, ¶20)

4
 5 14. Benshoof’s firmly held beliefs constitute a protected class, prohibited
 6 from disparate treatment, discrimination, and invidious discriminatory retaliation by
 7 government officials or private individuals in joint action with state actors, regardless
 8 of whether Benshoof’s beliefs are deemed orthodox. *Griffin v. Breckenridge*, 403 U.S.
 9 88 (1971)

10 15. Benshoof is also interchangeably a class of one for purposes of this
 11 motion. *Village of Willowbrook v. Olech*, 528 U.S. 562, at 566 (2000)

12 **B. Background - KCSC Nos. 21-2-11149-8; 21-5-00680-6**

13
 14 16. On August 15, 2021, Defendant Jessica Owen (“Owen”) texted Benshoof,
 15 demanding that Benshoof give Owen approximately \$19,000, threatening to withhold
 16 the title to Benshoof’s 2011 Toyota FJ Cruiser, #BGF 9763.

17 17. On August 16, 2021, Owen texted Benshoof, threatening to kidnap
 18 Benshoof’s minor son, A.R.W., steal Benshoof’s 2011 Toyota FJ Cruiser, and defraud
 19 Benshoof of his home.

20
 21 18. On September 3, 2021, Magalie E. Lerman (“Lerman”), prostitute
 22 girlfriend of Owen, kidnapped A.R.W. in violation of 18 U.S.C. §1201, and stole
 23 Benshoof’s 2011 Toyota FJ Cruiser.

1 19. In late September 2021, Nathan Cliber (“Cliber”) suborned the perjury
2 of Owen, the mother of Benshoof’s son, A.R.W., in order for Owen to legitimize the
3 ongoing kidnapping of A.R.W. (*Id.*, Dkt. #47 pg. 61-62 ¶377-380)

4 20. On September 20, 2021, Owen and her newly hired family law attorney,
5 Defendant Nathan L. Cliber (“Cliber”), filed a Petition to Decide Parentage
6 (“parentage petition”) as the mechanism by which to again seek a restraining order
7 to abrogate Plaintiff’s familial right of association with A.R.W.
8

9 21. Cliber and Owen did not provide family court evidence of “domestic
10 relations” between Benshoof and Owen to establish family court jurisdiction under
11 RCW Title 26.

12 22. Owen’s parentage petition averred three elements essential to providing
13 family court jurisdiction for her parentage action, that Benshoof: (1) was **not** the
14 biological father of A.R.W.; (2) had **never** lived with A.R.W., and (3) had **never** held
15 out A.R.W. as his son. As such, all three avowed statements evidenced Owen’s
16 inconsistent material statements of fact under penalty of perjury in King County
17 Superior Court within the span of one month.
18

19 23. All three avowed statements evidenced Owen’s inconsistent material
20 statements of fact under penalty of in King County Superior Court less than a month
21 apart. Among Owen’s exhibits she included three Seattle Police Department incident
22 reports spanning November 2015 to September 14, 2020, which all affirmed that
23 A.R.W. is Benshoof’s son.” (*Id.* Dkt. #13-1 pg. 84, 89, 225)
24

24. On September 22, 2021, Owen again reversed course, contradicting herself by declaring under penalty of perjury, “[Benshoof]...acted as [A.R.W.’s] father for [A.R.W.’s] entire life.” (*Id.* pg. 229) Owen also stated, “We moved in together in July 2008. [A.R.W.] was born nine months later...” (*Id.* pg. 230) “[Benshoof] always insisted on being treated as A.R.W.’s father and that A.R.W. was his.” (*Id.* pg. 230) “[September of 2020] I finally moved out of our shared residence...” (*Id.* pg. 231)

25. Under RCW Title 26, family court lacked statutory authority to obtain jurisdiction for such a parentage action without Benshoof’s consent after A.R.W. reached four years of age unless: (1) Benshoof was not the genetic father of A.R.W.; (2) Benshoof had never lived with A.R.W.; and (3) Benshoof had never held A.R.W. out as his son. (*See* RCW 26.26A.435(2))

26. Nathan Cliber, Owen’s family law attorney, suborned Owen’s perjury in Owen’s sworn Declaration and Petition to Decide Parentage. (*Id.* pg. 250, 257)

27. Owen’s perjury was extrinsic and collateral fraud perpetrated by Owen and Cliber to violate the Covenant between Benshoof and Owen, so that Owen could obtain a restraining order to abduct A.R.W. by falsely alleging that Benshoof was a “crazy anti-masker” and that A.R.W. was scared of his own father.

28. On September 28, 2021, Owen was granted a temporary restraining order to keep Benshoof from contacting A.R.W. Based upon the same perjury, Owen was granted a final restraining order on October 21, 2022.

C. Background – KCSC No. 22-2-15958-8 SEA

1 **1) Abuse of Process Lawsuit**

2 29. In October 2022, Benshoof sued Cliber, Owen Hermsen (“Hermsen”),
 3 Lerman, and Owen, for Abuse of Process and Defamation arising from the kidnapping
 4 of A.R.W., the theft of Benshoof’s FJ Cruiser, and the subsequent conspiracy by the
 5 four defendants to extort Benshoof for \$19,000 as conditional for the return of
 6 Benshoof’s FJ Cruiser and allowing Benshoof to have A.R.W. eight days per month.
 7 (*Id.*, Dkt. #47 pg. 85 ¶ 564)

8 30. Owen retained attorney Blair Russ (“Russ”). Hermsen and Lerman
 9 retained attorney Defendant Moshe Admon (“Admon”). Cliber retained attorney Kyle
 10 Rekofke (“Rekofke”). (*Id.*, Dkt. #47 pg. 86 ¶ 565)

11 31. On October 11, 2022, Benshoof’s Amended Complaint statement of facts
 12 incorporated by reference his seven affidavits documenting criminal law violations
 13 perpetrated by Cliber, Hermsen, Lerman, and Owen: Exhibits A-D (*Id.*, Dkt. #13-1
 14 pg. 378-410) and Exhibits E-G (Dkt. #13-2 pg. 93-109)

15 32. Exhibit C (*Id.*, Dkt. #13-1, pg. 397) averred that on October 25, 2021, in
 16 KCSC No. 21-5-00680-6 SEA, before Commissioner Jason Holloway, Cliber falsely
 17 alleged, “Mr. Benshoof has a long history of violence against Ms. Owen and [A.R.W.]”
 18

19 33. Nowhere in any of Owen’s perjury-riddled declarations did Owen allege
 20 that Benshoof ever yelled at A.R.W., nor spanked A.R.W., let alone engaged in
 21 “violence.”
 22
 23
 24

34. Commissioner Holloway corrected Cliber by stating, “that would have been something that would have been ordered *if* Mr. Benshoof had been found to be a domestic violence perpetrator, which *he is not*.”

35. Making a false or misleading statement that one does not know to be true to a public official, which is likely to be relied upon by the official in the discharge of his duties, is a gross misdemeanor and violation of RCW 9A.76.175; 9A.72.080.

36. Cliber also claimed that Benshoof perpetrated “*assault causing grievous physical harm*” against Owen. Owen has never claimed that. (*Id.*, Dkt. #13-1 pg. 400 ¶ 32)

37. Benshoof’s First Amended Counterclaim documented Magalie Lerman’s (“Lerman”) kidnapping of A.R.W., and stealing Benshoof’s car. (*Id.*, Dkt. #47 pg. 65 ¶ 398)

38. Benshoof documented Owen Hermsen’s (“Hermsen”) coercive attempts to extort Benshoof on behalf of Owen. Benshoof cited text messages from Hermsen. (*Id.*, Dkt. #47 pg. 65 ¶ 400; pg. 69-70 ¶ 431-435)

39. Benshoof documented Cliber’s conspiratorial acts, in joint action with Defendants CITY OF SEATTLE, David Keenan, Hermsen, Owen, and Lerman, related to the kidnapping of A.R.W., the theft of Benshoof’s 2011 Toyota FJ Cruiser, and the attempted extortion of Benshoof. Benshoof cited the coercive emails from Cliber (*Id.*, Dkt. #47 pg. 69-70 ¶ 431, 435)

2) *Ferguson’s Discrimination*

1 40. On January 27, 2023, King County Superior Court Judge Marshall
2 Ferguson ("Ferguson") denied Benshoof's right to appear in court in person because
3 Benshoof would not wear a mask or face shield to enter the courtroom.
4

5 41. At the time, the King County Court website stated that "You will not be
6 required to wear a mask if you need to keep your mouth or nose clear for medical or
7 mental health reasons." (*Id.*, Dkt. #129-2)

8 42. King County Superior Court offered Benshoof a face shield in lieu of a
9 face mask, despite the fact the Washington Department of Health informed the public
10 in 2020 that "[t]he use of face shields alone is currently viewed as *serving no purpose*
11 *or providing any protection* from the transmission of COVID-19." (*Id.*, Dkt. #74 pg.
12 39) Washington Department of Labor & Industries also stated, "Face shields alone
13 *do not prevent the spread of COVID-19* and do not meet the face covering
14 requirement." (*Id.*, Dkt. #74 pg. 41)
15

16 43. On February 7, 2023, Benshoof motioned the Ferguson court to change
17 venue to Snohomish County Superior Court, where Benshoof would be able to appear
18 in person without a face covering in courtrooms, free of discrimination against
19 Benshoof's beliefs, expression, or petitions for redress.
20

21 44. On February 22, 2023, Ferguson denied Benshoof's motion to change
22 venue to Snohomish County Superior Court.

23 **3) Ferguson's Ex Parte Communication**
24

1 45. On January 27, 2023, because Benshoof was denied his right to enter
2 the courtroom, he attempted to appear by Zoom video and was unable to join the
3 hearing. After thirty minutes of repeated attempts to log on via Zoom, Benshoof had
4 to appear by telephone. Benshoof did not discover until months later, upon obtaining
5 the transcription of the hearing (Dkt. #129-1) that Ferguson and defense counsel had
6 discussed legal arguments in Benshoof's absence.

7
8 46. Ferguson not only initiated *ex parte* communication with defense
9 counsel while Benshoof was still attempting to log on via Zoom, Ferguson suggested
10 that defense counsel move for an Order Restricting Abusive Litigation ("ORAL")
11 under RCW 26.51 (WAWD No. 2:23-cv-1392-JNW; Dkt. #129-1, pg. 19)

12
13 47. Ferguson also provided defense counsel with supporting case law by
14 which to seek an ORAL against Benshoof: *Kuhlmeyer v. Latour, et al.*, Wn. App. No.
15 82828-2-I (2022). (*Id.*, Dkt. #129-1, pg. 20-21)

16 **4) Benshoof's Claims Dismissed**

17 48. On January 27, 2023, Ferguson claimed that he didn't have evidence
18 before him of any crimes perpetrated by Cliber, Hermsen, Lerman, or Owen against
19 Benshoof, despite the fact that Benshoof's Amended Complaint incorporated by
20 reference his sworn affidavits as a complaining witness of Exhibits A-G. (Dkt. #129-
21 1 pg. 63-64)

22
23 49. Exhibit A detailed crimes perpetrated by Jessica Owen against
24 Benshoof. (*Id.*, Dkt. #13-1 pg. 379-386)

1 50. Exhibit B detailed crimes perpetrated by Magalie Lerman against
2 Benshoof. (*Id.*, Dkt. #13-1 pg. 388-394)

3 51. Exhibit C detailed crimes perpetrated by Nathan Cliber against
4 Benshoof. (*Id.*, Dkt. #13-1 pg. 396-404)

5 52. Exhibit D detailed crimes perpetrated by Jessica Owen against
6 Benshoof. (*Id.*, Dkt. #13-1 pg. 406-410)

7 53. Exhibit E detailed crimes perpetrated by Nathan Cliber against
8 Benshoof. (*Id.*, Dkt. #13-2 pg. 94-102)

9 54. Exhibit F detailed crimes perpetrated by Jessica Owen against
10 Benshoof. (*Id.*, Dkt. #13-2 pg. 85-92)

11 55. Exhibit G detailed crimes perpetrated by Owen Hermesen against
12 Benshoof. (*Id.*, Dkt. #13-2 pg. 104-109)

13 56. On February 2, 2023, Ferguson dismissed Benshoof's claims with
14 prejudice. (KCSC No. 22-2-15958-8; Docket 113)

15
16
17 **5) Declaration of A.R.W. – Power of Attorney**

18 57. On February 10, 2023, three non-party adults witnessed A.R.W. signed
19 a declaration, including a power-of-attorney designating Benshoof with authority to
20 act on his son's behalf. (WAWD No. 2:23-cv-1392-JNW; Dkt. #13-2, pg. 48-54)

21 58. In the declaration, A.R.W. attested that Owen: (1) "got a temporary
22 restraining order to try to take me and my dad's car." (*Id.*, pg. 48 ¶19)

59. In the declaration, A.R.W. attested that “My mom said in her declaration that if she took me from my dad that it would devastate me.” (*Id.*, pg. 49 ¶20)

60. In the declaration, A.R.W. attested that “My mom lied and said that my dad wasn’t my presumed dad in her Petition to Decide Parentage. Everyone knows my dad is my dad, and always has been. (*Id.*, pg. 49 ¶30)

61. In the declaration, A.R.W. attested that “it is my express wish that my dad act as a “Next Friend” pursuant to FrCP 17(c)(2), or as my “guardian” or “fiduciary” pursuant to FrCP 17(1)(A)(D), or pursuant to RCW 11.125 Uniform Power of Attorney Act, so that my can can bring claims on my behalf, either in Equity or in law, so I can go home to him.” (*Id.*, pg. 50 ¶50)

62. On or around February 11, 2023, Benshoof informed Admon, Cliber, and Russ by email that A.R.W. had granted power-of-attorney to Benshoof, and that A.R.W. had confirmed under oath that Lerman and Owen had lied to seize custody of A.R.W.

63. On February 15, 2023, Benshoof filed into the record a copy of the Affidavit of A.R.W. (KCSC No. 22-2-15958-8; Document 131)

6) Denying Right to Petition for Redress

64. On *February 17*, 2023, Defendants Cliber and Owen, and attorney Russ filed a joint motion to declare Benshoof a vexatious litigant, *three days after* the e-filing of the Affidavit of A.R.W. (KCSC No. 22-2-15958-8; Docket 142)

65. The [proposed] order stipulated, “[Benshoof] is hereby ENJOINED AND RESTRAINED, in both an individual and *representative capacity*...”

66. Upon Benshoof’s information and belief, Cliber, Owen, Lerman, Hermsen, and their counsel—including Admon, Kyle Rekofke (“Rekofke”), and Russ—knew at that time that everything declared as true by A.R.W. *was true*.

67. Defendants knew that Benshoof is not a licensed attorney who could act in a “representative capacity” for anyone—*except A.R.W.*

68. A.R.W. did pose, and still poses, a direct and immediate threat of exposure of the crimes perpetrated by Cliber, Hermsen Owen, and Lerman, *if* Benshoof were able to represent his son through the signed power-of-attorney, or as “next friend” under Fed.R.Civ.P. 17(c)(2).

7) *Punitive Retaliation*

69. Admon, Rekofke, and Russ asserted UPEPA to legally immunize their clients’ criminal conduct and deny Benshoof redress of his grievances, despite RCW 4.105.010(3)(a)(iv) precluding UPEPA protection for Cliber, Hermsen, Lerman, and Owen because Benshoof’s claims were “in a civil suit brought by a victim of a crime against a perpetrator.” (WAWD No. 2:23-cv-1392-JNW: Dkt. #47 ¶ 572)

70. Ferguson sanctioned Benshoof a total of \$78,118.39 for seeking redress of Benshoof’s grievances against Cliber, Hermsen, Lerman, and Owen, for the *crimes* perpetrated against Benshoof. (*Id.*, ¶ 573)

71. On February 27, 2023, Ferguson decreed that Hermsen was granted judgment against Benshoof for \$15,008.74.

72. On February 27, 2023, Ferguson decreed that Lerman was granted judgment against Benshoof for \$15,008.74. (*Id.*, ¶ 895)

73. On February 27, 2023, Ferguson decreed that Owen was granted judgment against Benshoof for \$32,049.41. (*Id.*, ¶ 896)

74. On April 3, 2023, Ferguson decreed that Cliber was granted judgment against Benshoof for \$16,051.50. 898. In total, Ferguson granted judgments against Benshoof for \$78,118.39. (*Id.*, ¶ 897)

8) *No Jurisdiction – Temporary ORAL*

75. On March 3, 2023, Ferguson granted a joint motion and temporary Order Restricting the Abusive Litigation by Kurt Benshoof (“ORAL”), threatening Benshoof with possible arrest if Benshoof attempted to exercise his First Amendment right to seek redress against Admon, Cliber, Hermsen, Lerman, Owen, Rekofke, or Russ—through any state or federal court—without first obtaining permission from Ferguson or another judge.

76. The temporary ORAL allegedly protected not just Owen, but Admon, Cliber, Hermsen Lerman, Owen, Rekofke, Russ. (*Id.*, Dkt. #129-4)

77. Under RCW Title 26, “domestic relations” are limited to “marriage, divorce, domestic partnership, legal separation, or declaration of invalidity.” *See* RCW 26.09.004(3)(4); RCW 26.09.050(1); RCW 26.09.060(1)(a)

1 78. Ferguson was without evidence of “domestic relations” between
2 Benshoof and Owen: Benshoof and Owen have never been parties to “domestic
3 relations.”

4 79. Among the defendants and their attorneys, Owen was the only person
5 Benshoof had “intimate relations” with, pursuant to RCW 7.105.010(20).
6

7 80. RCW 26.51.020(1)(a)(ii) defines “abusive litigation” as where the party
8 who is “filing, initiating, advancing, or continuing litigation *has been found by a*
9 *court to have committed domestic violence* against the other party.”

10 81. RCW 26.51.030(1) states that a “party to a case may request from the
11 court an order restricting abusive litigation if the parties *are current or former*
12 *intimate partners* and one party *has been found by the court to have committed*
13 *domestic violence* against the other party.”
14

15 82. Benshoof was never found by any court to have committed domestic
16 violence against Owen, nor any other person. (*Id.*, Dkt. #47 ¶ 886)

17 83. The only hearing at which Benshoof and Owen testified regarding
18 allegations of domestic violence was on September 3, 2021, in King County Superior
19 Court. Benshoof testified that Owen had repeatedly lied to police, had perjured
20 herself, and had been the actual perpetrator of domestic violence.
21

22 84. On September 3, 2021, in KCSC No. 21-2-11149-8 SEA, Benshoof
23 testified that *Owen was the actual perpetrator of domestic violence*. The denial
24 order from Commissioner Camille Schaefer stated, “The Court found *[Benshoof’s]*
25

1 *testimony to be credible* regarding incidents alleged by [Owen] from Nov./Dec.
2 2015”) (*Id.*, Dkt. #13-1 pg. 147) In other words, the Court found Owen’s testimony
3 *not credible*.
4

5 85. The temporary ORAL preemptively denied A.R.W.’s ability to have
6 Benshoof hire an attorney to represent A.R.W. The temporary ORAL also
7 preemptively prevented Benshoof from acting with power-of-attorney for his son as
8 his next friend under Fed.R.Civ. 17(c).

9 86. Admon, Rekofke, and Russ did not provide Ferguson with evidence that
10 “abusive litigation” occurred pursuant to RCW 26.51.020(1)(a)(ii).
11

12 87. Admon, Rekofke, and Russ did not provide Ferguson with evidence that
13 Benshoof had been “intimate partners” with Admon, Cliber, Hermsen, Lerman,
14 Rekofke, nor Russ, pursuant to RCW 7.105.010; 26.51.020(1)(a)(i).

15 88. Admon, Rekofke, and Russ did not provide Ferguson with evidence that
16 Benshoof had “been found by the court to have committed domestic violence against
17 Admon, Cliber, Hermsen, Lerman, Owen, Rekofke, nor Russ, pursuant to RCW
18 26.51.030(1)
19

20 89. Despite Ferguson having no evidence “domestic relations,” nor evidence
21 of “abusive litigation,” nor evidence that any court had found Benshoof to have ever
22 committed “domestic violence’ against any human, Ferguson also did not “attempt to
23 verify that... the party raising the claim of abusive litigation has been found to be a
24 victim of domestic violence by [Benshoof]” pursuant to RCW 26.51.040(1).
25

1 90. RCW 26.51.040(1) states, “If the court verified both elements are true,
2 or is unable to verify that they are not true, the court *shall* set a hearing to determine
3 whether the litigation meets the definition of abusive litigation.”
4

5 91. RCW 26.51.040(2) states, “At the time set for the hearing on the alleged
6 abusive civil action, the court *shall* hear all relevant testimony and may require any
7 affidavits, documentary evidence, or other records the court deems necessary.”
8

9 92. Ferguson did not set a hearing pursuant to RCW 26.51.040(1), therefore,
10 Benshoof could not provide testimony, affidavits, or documentary evidence to prove
11 that RCW 26.51 did not, and could not, apply to Benshoof.

12 **9) ORAL**

13 93. Admon, Rekofke, and Russ filed a joint motion seeking an Order
14 Restricting Abusive Litigation of Kurt Benshoof under RCW Title 26. (*Id.*, Dkt. #47
15 ¶ 566)

16 94. For the court to hear consideration of the joint motion, it was first
17 required by RCW 26.51.030(1) that Benshoof “has been found by the court to have
18 committed domestic violence against [Owen].” Ferguson lacked such evidence.
19

20 95. The Washington BAR Rules of Professional Conduct 3.3(a)(3) prohibits
21 attorneys from failing to disclose to the tribunal legal authority known to be directly
22 adverse to the position of the client and not disclosed by the opposing party.”

23 96. On March 31, 2023, Ferguson granted the ORAL upon motion presented
24 by Admon and Russ, and joined by Rekofke.

1 97. The ORAL not only restricted Benshoof's right to petition for redress of
2 Plaintiffs' grievances, the ORAL transmuted Benshoof's right into a privilege which
3 could be suspended at any time by any state or federal judge in the country.
4

5 **D. Contempt Order**

6 ***1) U.S. District Court***

7 98. On January 16, 2024, current counsel for Cliber, Michael Tracy ("Tracy")
8 and Sarah Turner ("Turner"), motioned for sanctions under the ORAL against
9 Benshoof in WAWD No. 2:23-cv-1392-JNW. (Dkt. #57, pg. 18)

10 99. On February 6, 2024, Tracy and Turner motioned for sanctions under
11 the ORAL against Benshoof in WAWD No. 2:23-1829-JNW. (Dkt. #36, pg. 19)

12 ***2) KCSC No. 22-2-15958-8 SEA***

13 100. On behalf of Cliber, Tracy and Turner sought sanctions against
14 Benshoof before Ferguson on January 24, 2024. (Document 263)

15 101. On behalf of Owen, Russ sought sanctions against Benshoof before
16 Ferguson on February 15, 2024. (Document 298)

17 102. Benshoof filed responses, evidencing that the Russ and Admon sought
18 the ORAL without statutory authority and failed to provide Ferguson with
19 jurisdiction.
20

21 103. Benshoof filed cross-motions against Cliber and Owen seeking a finding
22 of contempt and sanctions for Cliber's subornation of Owen's perjury and the ongoing
23 fraud.
24

104. Ferguson heard oral argument February 29, 2024. Benshoof objected that Ferguson never had jurisdiction under RCW 26.51 to issue an Order Restricting Abusive Litigation by Kurt Benshoof (“ORAL”). Ferguson refused to consider whether he had jurisdiction to issue the ORAL.

105. On March 1, 2024, Ferguson signed the Contempt Order. (KCSC No. 22-2-15958-8; Document 319) (WAWD No. 2:23-cv-1392-JNW; Dkt. #129-3)

106. The Contempt Order claimed Benshoof “is in contempt of court for violating the Abusive Litigation Order.”

107. The Contempt Order not only restricted Benshoof’s right to petition for redress of Plaintiffs’ grievances, the Contempt Order transmuted Benshoof’s right into a privilege which could be suspended at any time by any state or federal judge in the country.

3) *Threat of Arrest and Sanctions*

108. The terms of the Contempt Order include but are not limited to: (1) threatening Benshoof with imprisonment (*Id.*, Dkt. #129-3 pg. 3 ¶ 9); (2) Benshoof must pay attorneys’ fees and costs by Cliber, Hermsen, Lerman, and Owen (*Id.*, pg. 4 ¶ A); (3) Benshoof must pay costs incurred by Cliber having Tracy and Turner motion for sanctions against Benshoof in WAWD Nos. 2:23-cv-1392-JNW and 2:23-cv-1829-JNW (*Id.*, pg. 4 ¶ B); (4) the ORAL expiration date is extended to March 31, 2029 (*Id.*, pg. 4 ¶ C); (5) threatening financial sanctions of **\$2,000 per day** if Benshoof does not Motion for Leave to File in WAWD Nos. 2:23-cv-1392-JNW and 2:23-cv-1829-JNW

(*Id.*, pg. 5 ¶ F); (6) threatening penalty of \$250-\$1250 per day for any new legal proceeding filed by Benshoof.

4) *Judgment Awarded*

109. On March 29, 2024, Ferguson awarded Cliber, Tracy, and Turner \$11,825 for “the hours spent to bring Nathan Cliber’s Motion for Finding of Contempt and Sanctions Against Plaintiff Kurt Benshoof (Document. 263).” KCSC No. 22-2-15958-8 SEA, (Document 352)

110. On March 29, 2024, Ferguson awarded Owen and Russ \$11,014.92 for “the hours spent to bring Nathan Cliber’s Motion for Finding of Contempt and Sanctions Against Plaintiff Kurt Benshoof (Dkt. 263).” KCSC No. 22-2-15958-8 SEA, (Document 352)

111. The Entry of Findings of Facts and Conclusions of Law state that Ferguson awarded fees to Owen and Russ pursuant to RCW 4.84.185.

112. RCW 4.84.185 states that if a court has jurisdiction, it may require the non-prevailing party to pay reasonable expenses incurred by the prevailing party if upon the judge’s written findings that the non-prevailing party’s pleading or defense “was frivolous and advanced without reasonable cause.”

113. In order for Ferguson to have authority to order Benshoof to pay Cliber, Owen, Russ, Tracy, or Turner, Owen expenses under RCW 4.84.185, it was required that Ferguson find that an action before Ferguson, brought by Benshoof, “was frivolous and advanced without reasonable cause.”

114. The motions for sanctions against Benshoof regarded claims brought by Benshoof in U.S. District Court.

E. Conspiracy to Suspend Habeas Corpus

1) KCSC Case No. 22-2-11112-7 SEA

115. On July 18, 2022, Benshoof petitioned for writ of habeas corpus to stop the unlawful imprisonment of Plaintiffs under color of law of the family court restraining order. (KCSC No. 22-2-11111-7; Document 1)

116. RCW 7.36.040 states that “upon application the writ *shall* be granted without delay.”

117. Wash. Const. Art. I §13 states that the “privilege of the writ of habeas corpus *shall not* be suspended, unless incase of rebellion or invasion the public safety requires it.” No rebellion or invasion occurred during the matters in controversy.

118. King County Superior Court Judge Steve Rosen did not issue a writ of habeas corpus and denied Benshoof’s petition. (*Id.*, Document 6)

2) Ferguson’s Denial of Habeas Relief

119. Under the terms of the void *ab initio* ORAL, Benshoof could not file a petition for writ of habeas corpus in any superior court in the state of Washington without seeking leave to file from Ferguson, *supra*, at ¶97.

120. Under the terms of the ORAL, Ferguson asserted the authority to require Benshoof to motion for leave to petition for writ of habeas corpus, thereby denying Benshoof the right to petition for redress by way of habeas corpus.

1 121. The ORAL and Contempt Order not only restricted Benshoof's right to
2 petition for redress of Plaintiffs' grievances, they transmuted Benshoof's right into a
3 privilege which could be suspended at any time by any state or federal judge in the
4 country
5

6 122. On January 31, 2024, Benshoof filed Petition for Habeas Corpus. (KCSC
7 No. 22-2-15958-8 SEA, Document 277)

8 123. Benshoof's petition for writ of habeas corpus sought to arrest the
9 ongoing kidnapping of A.R.W. and the violation of Plaintiffs' right of familial
10 association.
11

12 124. On January February 1, 2024, Benshoof filed Motion for Leave to File
13 Petition for Writ of Habeas Corpus. (*Id.*, Document 279)

14 125. On February 7, 2024, Russ filed response in opposition to Benshoof's
15 motion for leave. (*Id.*, Document (289)

16 126. On February 8, 2024, Benshoof filed reply to Russ's response. (*Id.*,
17 Document 292)

18 127. On March 4, 2024, Ferguson issued an Order denying Benshoof leave to
19 file his petition for writ of habeas corpus. (*Id.*, Document 320)

20 128. Upon Benshoof's information and belief, KING COUNTY had a custom
21 or widespread practice of denying habeas relief to Benshoof's class.
22
23
24
25

1 129. Upon Benshoof's information and belief, KING COUNTY failed to
2 properly train its officials, including Ferguson, regarding Wash. Const. art I §13 and
3 the requirement of RCW 7.36.040 to issue a writ upon application.
4

5 **F. Refusal to Issue Summons**

6 130. On November 28, 2023, attorney Sarah Spierling Mack filed a petition
7 for declaratory judgment complaint against Benshoof, on behalf of Seattle School
8 District No. 1. (WAWD No. 2:23-cv-1829-JNW; Dkt. #3)

9 131. The Seattle Schools complaint sought a court declaration that Seattle
10 Public Schools general counsel, Defendant Gregory C. Narver ("Narver"), is not
11 required to provide Benshoof full and equal access to the records of A.R.W.
12

13 132. RCW 28A.605.030 states that the "The parent or guardian of a student
14 who is or has been in attendance at a school has the right to review all education
15 records of the student."

16 133. On January 23, 2024, Benshoof filed an Amended Counterclaim, on
17 behalf of himself and A.R.W., naming the following counterclaim defendants: Nathan
18 Cliber, KING COUNTY, Magalie Lerman, Sarah Spierling Mack, Gregory Narver,
19 Jessica Owen, Blair Russ, and Seattle School District No.1. (*Id.*, Dkt. #32)
20

21 134. Gregory Narver and Sarah Spierling Mack ("Mack") retained attorney
22 Defendant Jessica A. Skelton ("Skelton"). Mack and Skelton are attorneys with
23 Pacifica Law Group.
24

1 135. On February 7, 2024, Benshoof e-filed Praeipe for Summons and
2 Summons. (*Id.*, Dkt. #39) The Clerk of Court did not issue summonses.

3 136. On February 23, 2024, Jason S. Colberg took summons for named
4 defendants into the U.S. District Courthouse and went to the Clerk's Office to obtain
5 summonses on behalf of Benshoof by presenting the summonses to the clerk.

6 137. The clerk refused to sign, stamp, date, or issue summonses to Jason
7 Colberg. The clerk stated that they were acting under the direction of Defendant
8 Jerome N. Whitehead ("Whitehead").

9 138. On or around February 6, 2024, Jason Colberg, an associate of Benshoof,
10 went in person to the U.S. District Court clerk's office with Benshoof's Praeipe for
11 Issuance of Summons to Defendants KING COUNTY and Magalie Lerman and
12 summons. The clerk stated that Benshoof must e-file the praecipe and summons.

13 139. On or around February 14, 2024, Benshoof telephoned the clerk's office
14 to ask when summons would be issued to Defendants KING COUNTY and Magalie
15 Lerman. Benshoof was told that summons would not be issued until Whitehead
16 instructed the clerk's office to issue summons to Defendants KING COUNTY and
17 Magalie Lerman.

18 140. Fed.R.Civ.P. 4(b) states in part, "On or after filing the complaint, the
19 plaintiff may present a summons to the clerk for signature and seal. If the summons
20 is properly completed, the *clerk must* sign, seal, and issue it to the plaintiff for
21 service on the defendant."

1 141. Upon Benshoof's information and belief, Whitehead requested or
 2 demanded, either directly or through one of Whitehead's law clerks, that *all* clerks
 3 working in the Office of the Clerk refuse to issue summonses in WAWD No. 2:23-cv-
 4 1829-JNW.

6 142. To date, the U.S. District Court clerk's office has refused to "sign, seal,
 7 and issue" summonses so that Benshoof can effectuate service to defendants KING
 8 COUNTY and Magalie Lerman.

9 143. To date clerk J. Doe has refused to issue summons to Defendants KING
 10 COUNTY and Magalie Lerman.

11 **G. Gorden Rees Scully Mansukhani ("GRSM")**

13 144. For several months, Tracy and Turner have been in possession of
 14 irrefutable evidence that Cliber suborned Owen's perjury in KCSC No. 21-5-00680-6
 15 SEA, *supra* at ¶¶22-27.

16 145. For several months, Tracy and Turner have been in possession of
 17 irrefutable evidence that their former associate at GRSM, Kyle Rekofke, conspired
 18 with Admon, Ferguson, and Russ, to fraudulently obtain the ORAL. The evidence
 19 provided by Benshoof to Tracy and Turner proved that Ferguson did not have
 20 jurisdiction to grant the joint motion for the ORAL presented by Admon, Rekofke,
 21 and Russ, *supra* at ¶¶78-789.

23 **1) Tracy & Turner**

1 146. Benshoof incorporates by reference as if fully stated herein his Fifth
2 Motion for Temporary Restraining Order. (WAWD No. 2:23-cv-1392-JNW; Dkt. #129)

3 147. On January 16, 2024, Tracy and Turner filed notices of appearance and
4 a Motion to Dismiss claims against Cliber. (*Id.*, Dkt. #55)

5 148. On or before January 16, 2024, Tracy and Turner were in possession of
6 irrefutable evidence that: (1) Cliber suborned Owen's perjury in KCSC No. 21-5-
7 00680-6 SEA, *supra* at ¶¶22-27.; (2) their former associate at GRSM, Kyle Rekofke,
8 acted in concert with Admon, Ferguson, and Russ to obtain the ORAL, *supra* at ¶93;
9 (3) that Ferguson did not have statutory authority to grant the ORAL, *supra* at ¶94;
10 and (4) A.R.W. confirmed that Owen had committed perjury to kidnap A.R.W. (*Id.*,
11 Dkt. #13-2 pg. 49 ¶¶21-34); (5) Owen and Lerman do not care about what A.R.W.
12 wants or needs (*Id.*, Dkt. #13-2 pg. 50 ¶¶45-46); (6) A.R.W. had considered suicide
13 and had repeatedly run away from Owen's to come home to Benshoof (*Id.*, Dkt. #13-
14 2 pg. 49 ¶¶39-44); (7) A.R.W. granted Benshoof power-of-attorney to sue Cliber and
15 Owen because "they lied to take me away from my dad." (*Id.*, Dkt. #13-2 pg. 50 ¶¶47-
16 50).

17 149. On March 5, 2024, Benshoof filed his Fifth Motion for Temporary
18 Restraining Order. (*Id.*, Dkt. #129)

19 150. On March 7, 2024, Tracy and Turner filed Response to Benshoof's Fifth
20 TRO. (*Id.*, Dkt. #133)

1 151. Tracy and Turner did not refute that Cliber suborned Owen's perjury in
2 extrinsic and collateral fraud.

3 **H. Pacifica Law Group - Skelton**
4

5 152. From September 2021 to present, Seattle Public Schools general counsel
6 Gregory Narver has denied Benshoof "the right to review all education records of"
7 A.R.W.

8 153. On December 7, 2023, Benshoof filed Motion for Leave to File Petition
9 for Writ of Mandamus, as Benshoof mistakenly believed that the ORAL required
10 Benshoof to seek leave from Ferguson for *any action* brought by Benshoof in King
11 County Superior Court. (KCSC No. 22-2-15958-8, Document 234)
12

13 154. On March 4, 2024, Ferguson denied Benshoof's Motion for Leave to File
14 Petition for Writ of Mandamus. (*Id.*, Document 320)

15 155. On March 22, 2024, Benshoof filed Petition for Writ of Mandamus in
16 King County Superior Court, initiating Case No. 24-2-06539-3.

17 156. Benshoof noted his application before King County Superior Court Chief
18 Civil Judge, the Honorable Michael Scott, for Thursday, April 18, 2024, pursuant to
19 King County LCR 98.40(d).
20

21 157. On March 29, 2021, Skelton filed a Motion to Dismiss Benshoof's
22 mandamus into KCSC No. **22-2-15958-8**. Skelton filed Notice of Hearing, set for
23 April 26, 2024, acting as counsel for Narver. (*Id.*, Docket 343)
24

1 158. The Motion to Dismiss alleged that by Benshoof filing his Petition for
2 Writ of Mandamus against Narver, Benshoof violated the ORAL; therefore, Ferguson
3 must dismiss Benshoof's Mandamus filed in KCSC No. 24-2-06539-3.

4 159. Benshoof and Narver have not had "intimate relations."

5 160. The Motion to Dismiss quoted the ORAL, stating that "any *party* may
6 move...for a finding of contempt and sanctions." (*Id.*, Docket 343, pg. 1 ¶1)

7 161. Narver was not a party to KCSC No. 22-2-15958-8.

8 162. The Motion to Dismiss claimed that Narver "qualifies as a Person
9 Covered by This Order as defined by Filing Restricting No. 1 of the [ORAL]." (*Id.*,
10 Docket 343, pg. 2 ¶1)

11 163. Narver is not related to Defendants, nor their counsel, in KCSC No. 22-
12 2-15958-8.

13 164. The Motion claimed that "Benshoof continues his extensive pattern of
14 abusive litigation and weaponization of the court system" and claims that Ferguson
15 should: (1) dismiss Benshoof's Petition for Writ of Mandamus; and (2) amend the
16 ORAL to specify that [Seattle Public Schools] *and its counsel* are Persons Covered
17 by This Order. (*Id.*, Docket 343, pg. 2 ¶2)

18 165. On April 18, 2024, Judge Michael Scott ordered the transfer Benshoof's
19 mandamus to Ferguson for Ferguson to review for compliance with the ORAL. (KCSC
20 No. 24-2-06539-3, Document 19)

1 166. On April 26, 2024, Benshoof e-filed Notice of Disqualification of Judge
2 Marshall Ferguson. (*Id.*, Document 28)

3 167. On May 6, 2024, Ferguson denied non-party Narver's motion for
4 dismissal. (KCSC No. 22-2-15958-8, Document 374)

5 168. To date, King County Superior Court judges have refused to adjudicate
6 Benshoof's mandamus petition.
7

8 **I. WAWD No. 2:23-cv-1829-JNW**

9 169. On December 15, 2023, Benshoof e-filed Praecipe for Summons to
10 Counterclaim Defendants. (WAWD No. 2:23-cv-1829-JNW, Dkt. #9)

11 170. On December 21, 2023, the clerk of court issued summonses to
12 counterclaim defendants. (*Id.*, Dkt. #13)

13 171. On January 23, 24, Benshoof e-filed Counterclaim Plaintiffs' First
14 Amended Counterclaim, joining Defendants KING COUNTY and Magalie Lerman.
15

16 172. On January 30, 2024, the Minute Order transferred the case to Judge
17 Jamal N. Whitehead.
18

19 173. On or around February 6, 2024, Jason Colberg went in person to the
20 U.S. District Court clerk's office with Benshoof's Praecipe for Issuance of Summons
21 to Defendants KING COUNTY and Magalie Lerman and summons. The clerk stated
22 that Benshoof must e-file the praecipe and summons.

23 174. On February 7, 2024, Benshoof e-filed Praecipe for Issuance of Summons
24 to Defendants KING COUNTY and Magalie Lerman. (*Id.*, Dkt. #39)

175. On or around February 14, 2024, Benshoof telephoned the clerk's office to ask when summons would be issued to Defendants KING COUNTY and Magalie Lerman. Benshoof was told that summons would not be issued until Whitehead instructed the clerk's office to issue summons to Defendants KING COUNTY and Magalie Lerman.

176. To date clerk J. Doe has refused to issue summons to Benshoof for Defendants KING COUNTY and Magalie Lerman.

J. WAWD No. 2:23-cv-1392-JNW

1) Benshoof's Fifth TRO Motion

177. On March 5, 2024, Benshoof filed his Fifth Motion for Temporary Restraining Order ("TRO") to enjoin Ferguson, Admon, Cliber, Hermesen, Lerman, Owen, Russ, Tracy, and Turner, from continuing to act under color of law of the ORAL to unlawfully imprison Benshoof and impose cruel, excessive and unlawful fines of thousands of dollars per day upon Benshoof.

178. 28 U.S.C. § 1657 states that "the court ***shall*** expedite the consideration of...any action for temporary or preliminary injunctive relief."

179. The Fifth TRO motion was noted for March 5, 2024. To date, Whitehead has refused to adjudicate Benshoof's Fifth TRO

180. On March 18, 2024, Benshoof sent an Emergency Petition for Writ of Mandamus to the Ninth Circuit Court of appeals, requesting that the Ninth Circuit command Judge Whitehead to adjudicate Benshoof's Fifth TRO. (9th Cir. No. 24-1958)

1 **2) IFP Status Revoked**

2 181. At 3:34pm on March 18, 2024, Benshoof notified Judge Whitehead of his
3 Emergency Mandamus, by emailing to whiteheadchambers@wawd.uscourts.gov.

4 182. At 4:59pm on March 18, 2024, Judge Whitehead issued an Order
5 revoking Benshoof's *in forma pauperis* status regarding Benshoof's appeal of the
6 denial of his Fourth TRO to the Ninth Circuit. (9th Cir. No. 23-952)

7 183. Judge Whitehead claimed that Benshoof's appeal of the denial of his
8 Fourth TRO (9th Cir. No. 24-952; DktEntry 3.1) "***does not include a single non-***
9 ***frivolous claim...***" Judge Whitehead certified that Benshoof's Ninth Circuit appeal
10 "is frivolous and not taken in good faith." (WAWD No. 2:23-cv-1392-JNW; Dkt. #150,
11 pg. 3)

12 184. Whitehead prioritized revoking Benshoof's IFP status over adjudicating
13 Benshoof's Fifth Motion for TRO.

14 **3) Benshoof's Sixth TRO Motion**

15 185. On March 25, 2024, Benshoof filed his Sixth Motion for Temporary
16 Restraining Order ("TRO") to enjoin CITY OF SEATTLE, King County Judge David
17 Keenan, Jessica Owen, and Magalie Lerman, from continuing to kidnap A.R.W. and
18 malicious prosecute Benshoof for Benshoof's attempts to stop the kidnapping of
19 A.R.W.

20 186. The Sixth TRO motion was noted for March 25, 2024. To date,
21 Whitehead has refused to adjudicate Benshoof's Sixth TRO

187. On March 18, 2024, Benshoof sent an Emergency Petition for Writ of Mandamus to the Ninth Circuit Court of appeals, requesting that the Ninth Circuit command Judge Whitehead to adjudicate Benshoof's Sixth TRO. (9th Cir. No. 24-3053, DktEntry 3.1)

188. On May 00, 2024, Benshoof motioned for injunctive relief, seeking to enjoin CITY OF SEATTLE, King County Judge David Keenan, and Jessica Owen from continuing to kidnap A.R.W. and maliciously prosecute Benshoof for Benshoof's attempts to stop the kidnapping of A.R.W. (9th Cir. No. 24-3053, DktEntry 4.1)

V. CAUSES OF ACTION

189. The Court must treat the complaint's factual matter as true and construe Plaintiff's complaint in the light most favorable to Plaintiff "even if doubtful in fact." See *Erickson vs. Pardus*, 551 U.S. 89 (2007); *Scheuer vs. Rhodes*, 416 U.S. 232, 236 (1974).

190. To establish a prima facie case under 42 U.S.C. § 1983, plaintiffs must allege two elements: (1) the action occurred "under color of law" and (2) the action is a deprivation of a constitutional right or a federal statutory right. *Parratt vs. Taylor*, 451 U.S. 527, 535 (1981), *Gomez vs. Toledo*, 446 U.S. 635, 640 (1980); 22 see also, e.g., *Groman vs. Township of Manalapan*, 47 F.3d 628, 633 (3rd Cir. 1995).

191. Plaintiff is not an attorney; this pleading, "however unartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers."

1 Also, a *pro se* petitioner's pleadings should be "liberally construed to do substantial
2 justice." *Haines v. Kerner*, 404 U.S. 519 (1972).

3 192. Constitutional prohibitions including, but not limited to, the Eighth
4 Amendment would be meaningless without legal remedy for their violation: *ubi jus*
5 *ibi remedium*. "It is a settled and invariable principle, that every right, when
6 withheld, must have a remedy, and every injury its proper redress." *Marbury v.*
7 *Madison*, 5 U.S. 137, 147 (1803)
8

9 193. "It cannot be presumed that any clause in the constitution is intended
10 to be without effect; and, therefore, such a construction is inadmissible, unless
11 the words require it." *Marbury v. Madison*, 5 U.S. 137, 174 (1803)
12

13 194. Excessive fines are ordered by judges allegedly acting in their official
14 capacity.

15 195. Article VI, para. 2 declares, "This Constitution, and the laws of the
16 United States which shall be made in pursuance thereof," take precedence over
17 Ferguson's *ultra vires* acts to assert jurisdiction to issue the Orders under RCW 25.51
18 and declares that "the ***judges in every state shall be bound thereby.***"
19

20 196. Judicial Branch cannot grant themselves immunity through doctrine.
21 This would violate the Separation of Powers Doctrine. Immunity must be legislated,
22 and as *Mitchum v. Foster* held, the 1871 Act clearly bespoke a citizen's right to sue
23 judges for violating the citizen's rights under color of law. "It is clear from the
24 legislative debates surrounding passage of § 1983's predecessor that the Act was
25

intended to enforce the provisions of the Fourteenth Amendment "against State action, . . . whether that action be executive, legislative, or *judicial*." *Ex parte Virginia*, 100 U.S. 339, 346 (emphasis supplied)." *Mitchum v. Foster*, 407 U.S. 225, 240 (1972)

197. Under the Supremacy Clause, doctrine must yield to Congressional Act; therefore, the doctrine of absolute judicial immunity cannot immunize judges sued in their individual capacity under 42 U.S.C. §1983 or 42 U.S.C. §2000bb for their *ultra vires* acts inflicting cruel punishments upon Benshoof nor imposing unwarranted and excessive fines. "Our cases instruct that, absent utmost deference to Congress' preeminent authority in this area, the courts "arrogat[e] legislative power." *Hernández*, 589 U. S., at —, 140 S.Ct., at 741." *Egbert v. Boule*, 142 S. Ct. 1793, 1803 (2022)

FIRST CAUSE OF ACTION NEGLIGENCE

Violation of 18 U.S.C. § 3

198. Plaintiffs reallege and incorporate by reference the preceding paragraphs with the same force and effect as if fully set forth herein.

199. In this first cause of action, defendants named herein include Marshall Ferguson, Blair Russ, Jessica Skelton, Michael Tracy, and Sarah Turner, ("Defendants"), each sued in their individual capacity.

A. Witness Tampering

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Kurt Benshoof, Co-Plaintiff
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1 200. Defendants had a duty to refrain from relieving, comforting, or assisting
2 another's violations of 18 U.S.C. §1512(b) by tampering with a victim or witness,
3 including Benshoof, pursuant to 18 U.S.C. §3 Accessory after the fact.
4

5 201. Defendants had a duty to refrain from relieving, comforting, or assisting
6 Cliber, Owen, and Russ in order to prevent their trial or punishment for engaging in
7 misleading conduct with intent to influence, delay, or prevent the testimony of
8 Benshoof in any official proceeding.

9 **B. Kidnapping**

10 202. Defendants had a duty to refrain from relieving, comforting, or assisting
11 Lerman's and Owen's kidnapping of A.R.W., pursuant to 18 U.S.C. §3 Accessory after
12 the fact.
13

14 203. Benshoof sought redress for Lerman's and Owen's kidnapping of A.R.W.
15 by filing multiple petitions for writ of habeas corpus, by seeking injunctive relief, and
16 by filing claims for damages against Cliber, Keenan, Lerman, Owen, Narver, Russ,
17 and others.

18 204. Between January 16, 2024, and June 1, 2024, Ferguson and Russ acted
19 to relieve, comfort, or assist Owen and Lerman in order to prevent their trial or
20 punishment for kidnapping A.R.W.
21

22 **C. Subornation of Perjury**

1 205. Benshoof sought redress for Cliber's subordination of Owen's perjury by
2 filing multiple petitions for writ of habeas corpus, by seeking injunctive relief, and by
3 filing claims for damages against Cliber, Owen, Narver, and Russ.

4 206. Defendants had a duty to refrain from relieving, comforting, or assisting
5 Cliber's subornation of Owen's perjury, pursuant to 18 U.S.C. § 3 Accessory after the
6 fact.

7 207. Between January 16, 2024, and June 2, 2024, Ferguson, Russ, Tracy,
8 and Turner acted to relieve, comfort, or assist Cliber in order to prevent his trial or
9 punishment for suborning Owen's perjury.

10 208. Defendants acted as accessories after the fact with the intent to deny
11 Plaintiffs' right to petition for redress, to deny Plaintiffs' right of familial association,
12 to subject Benshoof to excessive fines and cruel punishments, to deny Plaintiffs the
13 equal protection of the law, and to deny Benshoof due process.

14 209. Defendants' acts and failures to act denied Plaintiffs' right to petition
15 for redress of their grievances, constituting negligence as a matter of law, and such
16 negligence has the same effect as any other act of negligence.

17 210. Defendants' acts and failures to act subjected Benshoof to excessive fines
18 and cruel punishments' by imposing nearly \$100,000 of fines upon Benshoof, and by
19 threatening Benshoof with approximately \$2,000 of fines per day, and by threatening
20 Benshoof with unlawful and indefinite imprisonment, each of which constituted

1 negligence as a matter of law, and such negligence has the same effect as any other
2 act of negligence.

3 211. Defendants' *ultra vires* acts violated the duty imposed upon them by 18
4 U.S.C. § 3; therefore, Defendants are liable for damages in their individual capacities.

5 212. In order for Ferguson to have authority to order Benshoof to pay Cliber,
6 Owen, Russ, Tracy, or Turner, Owen expenses under RCW 4.84.185, it was required
7 that Ferguson have jurisdiction, yet Ferguson was absent jurisdiction under the void
8 *ab initio* ORAL and Contempt Order.

9 213. In order for Ferguson to have authority to order Benshoof to pay Cliber,
10 Owen, Russ, Tracy, or Turner, Owen expenses under RCW 4.84.185, it was required
11 that Ferguson find that an action before Ferguson, brought by Benshoof, "was
12 frivolous and advanced without reasonable cause." However, the motions for
13 sanctions against Benshoof regarded claims brought by Benshoof in U.S. District
14 Court.

15 214. 18 U.S.C. § 3 is admissible on the issue of negligence pursuant to the
16 test set forth in Restatement (Second) of Torts section 286 (1965). *See Schooley v.*
17 *Pinch's Deli Mkt., Inc.*, 134 Wn.2d 468, 474–75, 951 P.2d 749 (1998), as the purpose
18 of the legislative enactment of 18 U.S.C. § 3 was exclusively or in part to protect the
19 public, including Plaintiffs, from persons acting as accessories after the fact to
20 kidnapping, witness tampering, or the subornation of perjury.

1 215. 18 U.S.C. §3 was enacted to protect the class of persons whose religious
2 beliefs require them to petition for redress of their grievances against state actors
3 and private individuals in joint action with state actors who act as accessories after
4 the fact to kidnapping, witness tampering, or the subornation of perjury.

5
6 216. 18 U.S.C. §3 was enacted to protect the public's interest in the
7 preventing people from those who act as accessories after the fact to kidnapping,
8 witness tampering, or the subornation of perjury.

9 217. 18 U.S.C. §3 was enacted to protect the aforementioned interest against
10 the kind of harm which has resulted to Plaintiffs by the acts, and failures to act, by
11 Defendants.

12
13 218. 18 U.S.C. §3 was enacted to protect against the hazard of public officials
14 and private individuals engaging in discretionary acts, or discretionary failure to act,
15 to act as accessories after the fact to subornation of perjury intended to deny the right
16 to petition for redress of grievances for criminal law violations and First Amendment
17 violations perpetrated by state actors and private individuals in joint action with
18 state actors.

19
20 219. The negligence was not due to some cause beyond the control of
21 Defendants that ordinary care could not have guarded against.

22 220. The violations of 18 U.S.C. §3 by Defendants, or those acting under their
23 direction, advice, or counsel, constitutes negligence as a matter of law.

1 221. The violations of 18 U.S.C. §3 by Defendants, or those acting under their
2 direction, advice, or counsel, is ongoing.

3 222. 18 U.S.C. § 3 was enacted to protect people, including Plaintiffs, from
4 kidnapping, from the subornation of perjury, from extortion, and from witness
5 tampering, and to protect the right of association of fathers and sons. *See In Estate of*
6 *Kelly v. Falin*, 127 Wn.2d 31, 896 P.2d 1245 (1995)

7 223. The violation of 18 U.S.C. §3 by Defendants and those acting under their
8 direction, advice, or counsel, was and is the proximate cause of irreparable harm to
9 Plaintiffs, as the violations have relieved, comforted, or assisted Cliber's subornation
10 of Owen's perjury, witness tampering, attempted extortion of Benshoof, and the
11 kidnapping of A.R.W. by Owen and Lerman, concealing the whereabouts of A.R.W.
12 from Benshoof, and thereby denied Benshoof the ability to contact A.R.W. to petition
13 for redress of Plaintiffs' grievances. *See Ward v. Zeugner*, 64 Wn.2d 570, 392 P.2d 811
14 (1964)

15 224. By relieving, comforting, or assisting kidnapping, witness tampering,
16 extortion, or Cliber's subornation of Owen's perjury, Defendants have acted to conceal
17 the whereabouts of A.R.W. from Benshoof, which is a direct and proximate cause of
18 denying Plaintiffs' right of association, resulting in irreparable and ongoing harm to
19 Plaintiffs. *See Elrod v. Burns*, 427 U.S. 347 (1976)

20 225. By relieving, comforting, or assisting kidnapping, witness tampering,
21 extortion, or Cliber's subornation of Owen's perjury, Defendants have acted to conceal
22

1 the whereabouts of A.R.W. from Benshoof, which is a direct and proximate cause of
 2 denying Plaintiffs' right to petition for redress of their grievances, resulting in
 3 irreparable and ongoing harm to Plaintiffs.

4
 5 226. As there is a prima facie causal connection between the violations of 18
 6 U.S.C. §3 and the irreparable harms to Plaintiffs, and the requirements of
 7 Restatement (Second) of torts section 286 (1965) are met, the proximate cause
 8 question is for the jury to decide at trial. *See Kness v. Truck Trailer Equip. Co.*, 81
 9 Wn.2d 251, 501 P.2d 285 (1972)

10 227. Defendants acted, or failed to act, with callous indifference to the direct,
 11 proximate, and foreseeable consequences that a reasonable person would know, or
 12 should know, that such conduct would, in a high degree of probability, violate 18
 13 U.S.C. §3 and thereby result in substantial harm to Plaintiffs.

14
 15 228. By reason of the foregoing, and as a direct, proximate, and foreseeable
 16 result of Defendants' negligence, Plaintiffs suffered, and continue to suffer,
 17 irreparable harm and damages; therefore, Plaintiffs are entitled to recover
 18 compensatory damages, equitable and injunctive relief, court costs, and fees.

19 20 **SECOND CAUSE OF ACTION** 21 **NEGLIGENCE**

22 **Violation of RCW 9A.76.080** 23 **Re Extortion in the Second Degree**

24 229. Benshoof realleges and incorporates by reference the preceding
 25 paragraphs with the same force and effect as if fully set forth herein.

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1 230. In this second cause of action, defendants named herein include
2 Marshall Ferguson, Blair Russ, Michael Tracy, and Sarah Turner, ("Defendants"),
3 each sued in their individual capacity.
4

5 231. It is a class C felony under RCW 9A.76.080 when a person acts to
6 prevent, hinder or delay the apprehension of another person, and in so doing,
7 prevents or obstructs, by use of deception or threat, anyone from performing an act
8 that might aid in the discovery or apprehension of such person.

9 **A. Rendering Criminal Assistance - Extortion**

10 232. Defendants had a duty to refrain from rendering criminal assistance to
11 RCW 9A.56.120 Extortion in the first degree, a class B felony.
12

13 233. Between January 16, 2024, and June 1, 2024, Ferguson, Russ, Tracy,
14 and Turner acted to prevent or obstruct, by use of deception or threat, Benshoof from
15 seeking legal redress that might aid in the discovery or apprehension of Ferguson,
16 Russ, Tracy, or Turner, for their extortion of Benshoof.

17 234. Defendants rendered criminal assistance to the extortion of Benshoof,
18 under color of law of the March 31, 2023, Order Restricting Abusive Litigation by
19 Kurt Benshoof ("ORAL"), and the March 1, 2024, Order Finding of Contempt and
20 Imposing Sanctions Against Plaintiff Kurt Benshoof ("Contempt Order").
21

22 235. RCW 9A.56.120 states that "(1) A person is guilty of extortion in the first
23 degree if he or she commits extortion by means of a threat as defined in
24 RCW 9A.04.110." RCW 9A.04.110 (28) "Threat" means to communicate, directly or
25

1 indirectly the intent: (c) to subject the person threatened or any other person to
2 physical confinement or restraint.”

3 236. The ORAL and Contempt Order threaten Benshoof with physical
4 confinement.
5

6 237. In order for Ferguson to have authority to order Benshoof to pay Cliber,
7 Owen, Russ, Tracy, or Turner, Owen expenses under RCW 4.84.185, it was required
8 that Ferguson have jurisdiction, yet Ferguson was absent jurisdiction under the void
9 *ab initio* ORAL and Contempt Order.
10

11 238. In order for Ferguson to have authority to order Benshoof to pay Cliber,
12 Owen, Russ, Tracy, or Turner, Owen expenses under RCW 4.84.185, it was required
13 that Ferguson find that an action before Ferguson, brought by Benshoof, “was
14 frivolous and advanced without reasonable cause.” However, the motions for
15 sanctions against Benshoof regarded claims brought by Benshoof in U.S. District
16 Court.
17

18 239. Defendants acts and failures to act denied Plaintiffs’ right to petition for
19 redress of their grievances, constituting negligence as a matter of law, and such
20 negligence has the same effect as any other act of negligence.

21 240. Defendants’ ultra vires acts violated the duty imposed upon them by
22 RCW 9A.76.070; therefore, Defendants are liable for damages in their individual
23 capacities.
24

25 241. RCW 9A.76.070 is admissible on the issue of negligence pursuant to the
26

1 test set forth in Restatement (Second) of Torts section 286 (1965). *See Schooley v.*
2 *Pinch's Deli Mkt., Inc.*, 134 Wn.2d 468, 474–75, 951 P.2d 749 (1998), as the purpose
3 of the legislative enactment of RCW 9A.76.070 was exclusively or in part to protect
4 the public, including Plaintiffs, from lending criminal assistance to felony kidnapping
5 through violations of RCW 28A.605.030 and violations of the First Amendment.
6

7 242. RCW 9A.76.070 was enacted to protect the class of persons whose
8 religious beliefs require them to petition for redress of their grievances against state
9 actors and private individuals in joint action with state actors who lend criminal
10 assistance to kidnappers are those who violate First Amendment prohibitions.
11

12 243. RCW 9A.76.070 was enacted to protect the public's interest in the
13 preventing people from lending criminal assistance.

14 244. RCW 9A.76.070 was enacted to protect the aforementioned interest
15 against the kind of harm which has resulted to Plaintiffs by the acts, and failures to
16 act, by Defendants

17 245. RCW 9A.76.070 was enacted to protect against the hazard of public
18 officials engaging in discretionary acts, or discretionary failure to act, to lend criminal
19 assistance to the denial of the right to petition for redress of grievances for criminal
20 law violations and First Amendment violations perpetrated by state actors and
21 private individuals in joint action with state actors.
22

23 246. The negligence was not due to some cause beyond the control of
24 Defendants that ordinary care could not have guarded against.

1 247. The violation of RCW 9A.76.070 by Defendants, or those acting under
2 their direction, advice, or counsel, constitutes negligence as a matter of law.

3 248. The violation of RCW 9A.76.070 by Defendants, or those acting under
4 their direction, advice, or counsel, is ongoing.

5 249. RCW 9A.76.070 was enacted to protect parents, including
6 Benshoof, and their interest involved in free and equal access to the records of their
7 children and the right of association of fathers and sons. *See In Estate of Kelly v.*
8 *Falin*, 127 Wn.2d 31, 896 P.2d 1245 (1995)

9 250. The violation of RCW 9A.76.070 by Defendants and those acting under
10 their direction, advice, or counsel, was and is the proximate cause of irreparable harm
11 to Plaintiffs, as the violations have concealed the whereabouts of A.R.W. from
12 Benshoof and thereby denied Benshoof the ability to contact A.R.W. to petition for
13 redress of Plaintiffs' grievances. *See Ward v. Zeugner*, 64 Wn.2d 570, 392 P.2d 811
14 (1964)

15 251. The First Amendment prohibits denying Plaintiffs' right of familial
16 association with each other. Concealing the whereabouts of A.R.W. from Benshoof is
17 a direct and proximate cause of denying Plaintiffs' right of association, resulting in
18 irreparable and ongoing harm to Plaintiffs. *See Elrod v. Burns*, 427 U.S. 347 (1976)

19 252. The First Amendment prohibits denying Plaintiffs' right to petition for
20 redress of their grievances. Concealing the whereabouts of A.R.W. from Benshoof is
21

1 a direct and proximate cause of denying Plaintiffs' right to petition for redress of their
 2 grievances, resulting in irreparable and ongoing harm to Plaintiffs.

3 253. As there is a prima facie causal connection between the violations of
 4 RCW 9A.76.070 and the irreparable harms to Plaintiffs, and the requirements of
 5 Restatement (Second) of torts section 286 (1965) are met, the proximate cause
 6 question is for the jury to decide at trial. *See Kness v. Truck Trailer Equip. Co.*, 81
 7 Wn.2d 251, 501 P.2d 285 (1972)

8 254. Defendants acted, or failed to act, with callous indifference to the direct,
 9 proximate, and foreseeable consequences that a reasonable person would know, or
 10 should know, that such conduct would, in a high degree of probability, violate RCW
 11 9A.76.070 and thereby result in substantial harm to Plaintiffs.

12 255. By reason of the foregoing, and as a direct, proximate, and foreseeable
 13 result of Defendants' negligence, Plaintiffs suffered, and continue to suffer,
 14 irreparable harm and damages; therefore, Plaintiffs are entitled to recover
 15 compensatory damages, equitable, injunctive, and declaratory relief, court costs, and
 16 reasonable fees.

17
 18
 19
 20 **THIRD CAUSE OF ACTION**
 21 **VIOLATION OF FIRST AMENDMENT**
 22 **Free Exercise of Religion Retaliation**
 23 **42 U.S.C. § 1983**

24 256. Benshoof realleges and incorporate by reference the preceding
 25 paragraphs with the same force and effect as if fully set forth herein.

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1 257. In this third cause of action, defendants named herein include KING
2 COUNTY, Marshall Ferguson, Blair Russ, Michael Tracy, Sarah Turner, and Jamal
3 Whitehead ("Defendants"). KING COUNTY is a "person" for the purposes of liability
4 under 42 U.S.C. § 1983.
5

6 258. At all times relevant herein to this third cause of action Defendants were
7 state actors, or individuals pervasively entwined as integral participants in joint
8 action with state actors, acting under color of law, and their conduct was subject to
9 42 U.S.C. § 1983.
10

11 259. Through the equal protection clause of the Fourteenth Amendment,
12 Defendants were prohibited from violating the First Amendment prohibitions against
13 discriminating against Benshoof's right to the free exercise of his religious beliefs.
14

15 260. By punishing and threatening to punish Benshoof under the ORAL and
16 Contempt Order for exercising his sincerely held religious beliefs in the way Benshoof
17 is devoted to speaking the truth and seeking redress of his grievances against
18 criminals and tortfeasors, Ferguson, Russ, Tracy, and Turner have violated and are
19 violating the First Amendment and Benshoof's right to free exercise of religion.

20 261. By punishing and threatening to punish Benshoof for exercising his
21 sincerely held religious beliefs in the way Benshoof is devoted to speaking the truth
22 and seeking redress of his grievances against criminals and tortfeasors, Whitehead
23 violated and is violating the First Amendment and Benshoof's right to free exercise
24 of religion.
25

1 262. “To demonstrate a credible threat is likely to be enforced in the future,
2 a history of threatened or actual enforcement of the policy against the plaintiff or
3 other similarly situated parties will suffice.” See *Rock for Life v Hrabowski* quoting
4 *Lopez v. Candaele* F.3d, 2010 WL 3607033, (9th Cir. 2010)

5
6 263. Defendants possess a class-based invidious discriminatory animus
7 towards Benshoof.

8 264. Benshoof’s views and expression related to honesty, due process,
9 equality under the law, and redress of grievances, are motivated by his sincerely held
10 religious beliefs, are ways through which he exercises his religious faith, and
11 constitute a central component of his sincerely held religious beliefs.

12
13 265. This persistently widespread custom or practice of King County officials
14 discriminating against Benshoof for the free exercise of his religious beliefs was the
15 moving force behind the denial of Plaintiffs’ right of association and petitions for
16 redress and was both causation-in-fact and proximate causation of the violations of
17 the First Amendment and Benshoof’s free exercise of his religious beliefs.

18
19 266. Under these practices or widespread customs, Defendants acted as
20 integral participants in joint action to discriminate against Benshoof for the free
21 exercise of his religious beliefs, and thereby retaliated against Benshoof’s petition for
22 redress of Plaintiffs’ grievances.

23 267. The practice and widespread customs to discriminate against Benshoof
24 for the free exercise of his religious beliefs were arbitrary and capricious.

1 268. The practice and widespread customs to discriminate against Benshoof
2 for the free exercise of his religious beliefs were neither neutral nor generally
3 applicable but allowed Defendants to target religious expression and activities
4 specifically, and to express hostility to such expression by Benshoof.
5

6 269. The practices and widespread customs were neither neutral nor
7 generally applicable because they represent a system of denying Benshoof due
8 process and denying Plaintiffs the equal protection of the law.

9 270. The practices and widespread customs were underinclusive, prohibiting
10 some expression while leaving unprohibited other expression equally harmful to
11 Defendants' asserted interests of upholding the law.
12

13 271. Defendants violated Benshoof's right to free exercise of religion when
14 they acted, or threatened to act, to sanction or imprison Benshoof for exercising his
15 religious beliefs, and they continue to do so by threatening to retaliate or punish
16 Benshoof if he continues to communicate and act according to his beliefs by Benshoof
17 petitioning for injunctive relief, for a writ of habeas corpus, or for bringing claims for
18 the violations of Plaintiffs' rights.
19

20 272. Ferguson, Russ, Tracy, and Turner violated Benshoof's right to free
21 exercise of religion when they acted under color of law of the ORAL and Contempt
22 Order to threaten Benshoof with financial penalties and imprisonment for Benshoof
23 exercising his firmly held religious beliefs.
24

1 273. By reason of the foregoing, and as a direct, proximate, and foreseeable
2 result of the widespread practices or customs of KING COUNTY, Defendants' acts
3 and failures to act, Benshoof has suffered, and continues to suffer, irreparable harm
4 and damages; therefore, Benshoof is entitled to recover compensatory damages,
5 equitable, injunctive and declaratory relief, court costs, and reasonable fees.
6

7 **FOURTH CAUSE OF ACTION**
8 **VIOLATION OF FIRST AMENDMENT**

9 **Right of Association**

10 42 U.S.C. § 1983

11 274. Plaintiffs reallege and incorporate by reference the preceding
12 paragraphs with the same force and effect as if fully set forth herein.

13 275. In this fourth cause of action, defendants named herein include KING
14 COUNTY, Marshall Ferguson, Blair Russ, and Jessica Skelton, ("Defendants").
15 KING COUNTY is a "person" for the purposes of liability under 42 U.S.C. § 1983.
16

17 276. At all times relevant herein to this fourth cause of action Defendants
18 were state actors, or individuals pervasively entwined as integral participants in joint
19 action with state actors, acting under color of law, and their conduct was subject to
20 42 U.S.C. § 1983.

21 277. Through the Equal Protection Clause of the Fourteenth Amendment,
22 Counterclaim Defendants were prohibited from violating First Amendment
23 prohibitions against restricting or denying Plaintiffs' right of familial association
24 under color law.

1 **A. Habeas Corpus – Ferguson & Russ**

2 278. Wash. Const. Art. I §13 states that the “privilege of the writ of habeas
3 corpus ***shall not*** be suspended, unless incase of rebellion or invasion the public safety
4 requires it.” No rebellion or invasion has occurred during the matters in controversy.
5

6 279. RCW 7.36.040 states that “upon application the writ ***shall*** be granted
7 without delay.”

8 280. Ferguson acted *ultra vires* to preempt the mandate of RCW 7.36.040,
9 claiming that the void *ab initio* ORAL authorized Ferguson to effectively suspend
10 Wash. Const. Art. I §13 and to violate RCW 7.36.040.

11 281. Benshoof’s petition for writ of habeas corpus sought to arrest the
12 ongoing kidnapping of A.R.W. and the violation of Plaintiffs’ right of familial
13 association.
14

15 282. Under color of law of the void *ab initio* ORAL, Russ acted to violate
16 Plaintiffs’ right of familial association and rendered criminal assistance to the
17 kidnapping of A.R.W. by Owen and Lerman by acting to deny Benshoof’s Motion for
18 Leave to File Petition for Writ of Habeas Corpus.
19

20 283. Under color of law of the void *ab initio* ORAL, Ferguson violated
21 Plaintiffs’ right of familial association and rendered criminal assistance to the
22 kidnapping of A.R.W. by Owen and Lerman by denying Benshoof’s Motion for Leave
23 to File Petition for Writ of Habeas Corpus.
24

1 **B. Mandamus - Skelton**

2 284. Benshoof petitioned for writ of mandamus in King County Superior
3 Court to compel Seattle Public School general counsel Gregory Narver (“Narver”) to
4 comply with RCW 28A.605.030, which states that Benshoof “has the right to review
5 all education records” of A.R.W. (KCSC No. 24-2-06539-3 SEA, Dkt. No. 00)

7 285. Benshoof’s mandamus pleaded that Narver was rendering criminal
8 assistance to the kidnapping of A.R.W. by Owen and Lerman, as Narver was denying
9 Benshoof the “right to review all education records” of A.R.W. in order to conceal the
10 whereabouts of A.R.W. from Benshoof. (WAWD No. 2:23-vc-1829-JNW, Dkt. #3 pg. 2
11 ¶2)

13 286. Having been duly informed by Benshoof that Narver was rendering
14 criminal assistance to the kidnapping of A.R.W., Skelton sought to dismiss Benshoof’s
15 mandamus under the ORAL.

16 287. Narver was not a party to KCSC No. 22-2-15958-8, nor was Narver a
17 “protected party” of the void *ab initio* ORAL.

18 288. Skelton knowingly and willfully attempted to use the void *ab initio*
19 ORAL to render criminal assistance to Narver’s rendering of criminal assistance to
20 the ongoing kidnapping of A.R.W. by Owen and Lerman.

22 289. Upon the foregoing, Skelton knowingly and willfully acted in bad faith
23 to indirectly deny Plaintiffs’ right of familial association by helping Narver, Owen,
24 and Lerman continue to conceal the whereabouts of A.R.W. from Benshoof.

1 290. The widespread custom or practice of King County was the moving force
2 behind the denial of Benshoof's right of association with A.R.W. and was both
3 causation-in-fact and proximate causation of the violations of Plaintiffs' right of
4 familial association.

5
6 291. The practice or widespread custom of King County judges to grant
7 Orders Restricting Abusive Litigation without statutory authority was the direct,
8 proximate, and foreseeable cause of violations of the First Amendment, and Plaintiffs'
9 right of familial association.

10 292. King County failed to properly train its judges to not grant Orders
11 Restricting Abusive Litigation without statutory authority.

12
13 293. King County failed to properly train its judges not to violate RCW
14 7.36.040 by refusing, upon application, to grant a writ of habeas corpus without delay.

15 294. Defendants, because of their invidious discriminatory animus towards
16 Benshoof's class, willfully, maliciously, recklessly, and with callous indifference,
17 acted for the purpose of depriving, either directly or indirectly, Plaintiffs' right of
18 familial association.

19
20 295. First Amendment violations of Plaintiffs' right of familial association,
21 even for a brief period of time, constitute irreparable harm. *See Elrod v. Burns*, 427
22 U.S. 347 (1976)

23 296. As a direct, proximate, and foreseeable result of the failure to trains its
24 judges by KING COUNTY, the widespread practice or custom of KING COUNTY,

1 and as a result of the acts of Ferguson, Russ, Tracy, and Turner, Plaintiffs have
2 suffered cruel and inhumane conditions and treatment and continue to suffer from
3 such cruel and inhumane acts, irreparable harm and damages for which they are
4 entitled to recover.
5

6 **FIFTH CAUSE OF ACTION**
7 **VIOLATION OF FIRST AMENDMENT**

8 **Right to Petition for Redress of Grievances**
9 **42 U.S.C. § 1983**

10 297. Plaintiffs repeat and reallege each of the allegations contained in the
11 foregoing paragraphs of this Complaint as if fully set forth herein.

12 298. In this fifth cause of action, defendants named herein include KING
13 COUNTY, J. Doe, Marshall Ferguson, Blair Russ, Jessica Skelton, Michael Tracy,
14 Sarah Turner, and Jamal Whitehead, ("Defendants"). KING COUNTY is a "person"
15 for the purposes of liability under 42 U.S.C. § 1983.
16

17 299. At all times relevant herein to this fifth cause of action Defendants were
18 state actors, or individuals pervasively entwined as integral participants in joint
19 action with state actors, acting under color of law, and their conduct was subject to
20 42 U.S.C. § 1983.

21 300. Through the equal protection clause of the Fourteenth Amendment,
22 Defendants were prohibited from violating the First Amendment prohibitions against
23 discriminating against Benshoof's right to petition for redress of grievances.
24

1 301. Defendants did not have evidence of “domestic relations” between
2 Benshoof and Owen.

3 **A. King County Superior Court**

4 302. KING COUNTY failed to properly train its judges, including Ferguson,
5 regarding retaliation against Benshoof’s class for exercising his right to petition for
6 redress.

7 303. KING COUNTY officials have displayed a custom or widespread
8 practice of retaliating against Benshoof for exercising his right to petition for redress
9 of grievances or denying Benshoof’s right to seek redress.

10 **1) ORAL & Contempt Order**

11 304. In *United States v. Watson*, 582 F.3d 974 (9th Cir. 2009), the Ninth
12 Circuit held that “[a] waiver of the right to appeal does not bar a defendant from
13 challenging an illegal sentence.” *Id.* at 977 (emphasis added). The Ninth Circuit has
14 held that a sentence is “illegal” if it “violates the Constitution.” *United States v.*
15 *Torres*, 828 F.3d 1113, 1125 (9th Cir. 2016), quoting *United States v. Bibler*, 495 F.3d
16 621, 624 (9th Cir. 2007). Thus, an appeal waiver does not apply to a sentence “if it
17 exceeds the permissible statutory penalty for the crime or violates the Constitution.”
18 *Bibler*, 495 F.3d at 624; see also *United States v. Wells*, 29 F.4th 580, 584 (9th Cir.),
19 cert. denied, 143 S. Ct. 267, 214 L. Ed. 2d 115 (2022).

20 305. Ferguson, Russ, Tracy, and Turner, acted, or threatened to act, to
21 perpetrate retaliatory punishment of Benshoof for exercising his right to seek redress
22

1 of Plaintiffs' grievances, secured by the First Amendment, by or through the ORAL
2 or Contempt Order.

3 306. Ferguson issued the *ultra vires* ORAL without subject matter
4 jurisdiction pursuant to RCW 26.51.030(1).
5

6 307. Ferguson issued the *ultra vires* ORAL without setting a hearing and
7 hearing all relevant testimony, as required by RCW 26.51.040.

8 308. As Ferguson did not have jurisdiction to issue the ORAL, the ORAL was
9 a nullity; therefore, Ferguson was without authority to claim that Benshoof violated
10 the void *ab initio* ORAL.
11

12 309. Upon the foregoing, the Contempt Order was void *ab initio*, and the
13 sanctions imposed by Ferguson constitute a violation of RCW 9A.56.120, extortion in
14 the first degree, a class B felony.

15 310. The ORAL and Contempt Order were not narrowly tailored; pre-filing
16 restrictions must be narrowly tailored to closely fit the specific vice encountered.
17

18 311. In order for Ferguson to have authority to order Benshoof to pay Cliber,
19 Owen, Russ, Tracy, or Turner, Owen expenses under RCW 4.84.185, it was required
20 that Ferguson have jurisdiction, yet Ferguson was absent jurisdiction under the void
21 *ab initio* ORAL and Contempt Order.

22 312. In order for Ferguson to have authority to order Benshoof to pay Cliber,
23 Owen, Russ, Tracy, or Turner, Owen expenses under RCW 4.84.185, it was required
24 that Ferguson find that an action before Ferguson, brought by Benshoof, "was
25

1 frivolous and advanced without reasonable cause.” However, the motions for
2 sanctions against Benshoof regarded claims brought by Benshoof in U.S. District
3 Court.
4

5 313. Under the terms of the void *ab initio* ORAL, Ferguson asserted the
6 authority to require Benshoof to motion for leave to petition for writ of habeas corpus,
7 thereby denying Benshoof the right to petition for redress by way of habeas corpus.

8 314. The void *ab initio* ORAL and Contempt Order not only restricted
9 Benshoof’s right to petition for redress of Plaintiffs’ grievances under color of law,
10 they transmuted Benshoof’s right into a privilege which could be suspended at any
11 time by any state or federal judge in the country.
12

13 **2) Habeas Corpus Petition**

14 315. Under the terms of the void *ab initio* ORAL, Benshoof could not file a
15 petition for writ of habeas corpus in any superior court in the state of Washington
16 without seeking leave to file from Ferguson, *supra* ¶97.

17 316. Wash. Const. Art. I §13 states that the “privilege of the writ of habeas
18 corpus **shall not** be suspended, unless incase of rebellion or invasion the public safety
19 requires it.” No rebellion or invasion occurred during the matters in controversy.
20

21 317. RCW 7.36.040 states that “upon application the writ **shall** be granted
22 without delay.”

23 318. Ferguson acted *ultra vires* to preempt the mandate of RCW 7.36.040,
24 claiming that the void *ab initio* ORAL authorized Ferguson to effectively suspend
25

1 Wash. Const. Art. I §13 and to violate RCW 7.36.040.

2 319. Benshoof's petition for writ of habeas corpus sought to arrest the
3 ongoing kidnapping of A.R.W. and the violation of Plaintiffs' right of familial
4 association.

5 320. Under color of law of the void *ab initio* ORAL, Russ acted to violate
6 Plaintiffs' right of familial association and rendered criminal assistance to the
7 kidnapping of A.R.W. by Owen and Lerman by acting to deny Benshoof's Motion for
8 Leave to File Petition for Writ of Habeas Corpus.

9 321. Under color of law of the void *ab initio* ORAL, Ferguson violated
10 Plaintiffs' right of familial association and rendered criminal assistance to the
11 kidnapping of A.R.W. by Owen and Lerman by denying Benshoof's Motion for Leave
12 to File Petition for Writ of Habeas Corpus.

13 B. U.S. District Court

14 1) *Refusal to Adjudicate*

15 322. In his denial order issued on February 16, 2024, Whitehead threatened
16 to retaliate against Benshoof as punishment for Benshoof for exercising his right to
17 seek redress of Plaintiffs' grievances in accordance with Benshoof's spiritual beliefs.
18 (WAWD No. 2:23-cv-1392-JNW, Dkt. #92, pg. 4 ¶2)

19 323. On March 5, 2024, Benshoof filed his Fifth Motion for TRO to enjoin
20 Moshe Admon, Nathan Cliber, Marshall Ferguson, Owen Hermesen, Magalie Lerman,
21 Jessica Owen, Blair Russ, Michael Tracy, and Saray Turner from acting under the

1 void *ab initio* ORAL or Contempt Order to subject Benshoof to extortion and threaten
2 Benshoof with unlawful imprisonment. (*Id.*, Dkt. #129)

3 324. Tracy and Turner responded on behalf of their client, Nathan Cliber.
4 (*Id.*, Dkt. #133)

5 325. Tracy and Turner could not, and did not, deny that Cliber suborned the
6 perjury of Owen to enable the kidnapping of A.R.W.

7 326. Tracy and Turner could not, and did not, deny that Rekofke and Russ
8 motioned for the ORAL without the statutory requirement that a court found
9 Benshoof to be a perpetrator of domestic violence.

10 327. Tracy and Turner could not, and did not, argue that the ORAL was not
11 fraudulent and void *ab initio*.

12 328. Upon the foregoing, Tracy and Turner made false and misleading
13 statements, in violation of RCW 9A.76.175, in order to deny Plaintiffs' right to
14 petition for redress of his grievances.

15 329. LCR 65(b)(3) Procedure states that "The clerk will promptly assign a
16 judge and advise his or her chambers of the emergency nature of the filing. The court
17 may consider the motion on the papers **or** schedule a hearing."

18 330. 28 U.S.C. §1657(a) states that "each court of the United States **shall**
19 determine the order in which civil actions are heard and determined, **except** that the
20 court **shall expedite** the consideration of any action for temporary or preliminary
21 injunctive relief."

1 331. Since, March 25, 2024, Whitehead refused to hear Benshoof's Fifth TRO,
2 which sought to enjoin Moshe Admon, Nathan Cliber, Marshall Ferguson, Owen
3 Hermesen, Magalie Lerman, Jessica Owen, Blair Russ, Michael Tracy, Sarah Turner,
4 and Peggy Wu from acting to violate Benshoof's right to petition for redress of
5 grievances. (*Id.*, Dkt. #129)

7 332. Since March 5, 2024, Whitehead has continued to act *ultra vires*, non-
8 discretionary and ministerial acts, in violation of 28 U.S.C. §1257(a), by not only
9 refusing to expedite consideration of Benshoof's Fifth TRO, but by refusing to
10 consider it altogether.

11 333. By refusing to adjudicate Benshoof's Fifth TRO, Whitehead has
12 precluded Benshoof from exercising his right to direct appeal of a denial order of the
13 Fifth TRO.

14 334. Upon the foregoing, Whitehead continues to violate Benshoof's right to
15 petition for redress in U.S. District Court and the Ninth Circuit Court of Appeals.

16
17 **2) Refusal to Issue Summons**

18 335. Fed.R.Civ.P. 4(b) required clerk J. Doe to issue summons to Benshoof in
19 when Benshoof e-filed praecipe to issue summons for Defendants KING COUNTY
20 and Magalie Lerman on February 7, 2024. (WAWD No. 2:23-cv-1829-JNW, Dkt. #17)

21 336. Under the *ultra vires* administrative direction of Whitehead, clerk J.
22 Doe has refused to issue summons for Defendants KING COUNTY and Magalie
23

1 Lerman for approximately four months, denying Plaintiffs' right to seek redress of
2 their grievances against Defendants KING COUNTY and Magalie Lerman.

3 337. The acts, and failure to act, by J. Doe and Whitehead were non-
4 discretionary and ministerial.

5 338. By denying Benshoof right to petition for redress, Plaintiffs have been
6 unable to communicate in any way since January 23, 2023. Without means of
7 communication between Plaintiffs, Benshoof's ability to seek redress of Plaintiffs'
8 grievances has been, and is being, irreparably harmed.

9 339. Defendants acted, or failed to act, to target Benshoof to silence his right
10 to petition for redress of grievances with the threat sanctions or unlawful
11 imprisonment.

12 340. As a direct, proximate, and foreseeable result of the failure to trains its
13 judges by KING COUNTY, the widespread practice or custom of KING COUNTY to
14 deny Benshoof's right to petition for redress, and as a result of individual defendants'
15 ministerial acts and failures to act, Plaintiffs have suffered irreparable harm and
16 damages for which they are entitled to recover.

17
18
19
20 **SIXTH CAUSE OF ACTION**
21 **VIOLATION OF FOURTH AMENDMENT**

22 **Right to Life & Liberty**
23 **42 U.S.C. § 1983**

24 341. Plaintiffs repeat and reallege each of the allegations contained in the
25 foregoing paragraphs of this Complaint as if fully set forth herein.

26 COMPLAINT FOR DAMAGES
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342. In this sixth cause of action, defendants named herein include KING COUNTY, Marshall Ferguson, and Blair Russ, (“Defendants”). KING COUNTY is a “person” for the purposes of liability under 42 U.S.C. § 1983.

343. At all times relevant herein to this sixth cause of action Defendants were state actors, or individuals pervasively entwined as integral participants in joint action with state actors, acting under color of law, and their conduct was subject to 42 U.S.C. § 1983.

344. Through the equal protection clause of the Fourteenth Amendment, Defendants were prohibited from violating Fourth Amendment prohibitions against denying Plaintiffs' right to life and liberty under color of law.

Denial of Habeas

345. Under the terms of the void *ab initio* ORAL, Benshoof could not file a petition for writ of habeas corpus in any superior court in the state of Washington without seeking leave to file from Ferguson, *supra* ¶97.

346. Wash. Const. Art. I §13 states that the “privilege of the writ of habeas corpus ***shall not*** be suspended, unless incase of rebellion or invasion the public safety requires it.” No rebellion or invasion occurred during the matters in controversy.

347. RCW 7.36.040 states that “upon application the writ *shall* be granted without delay.”

1 348. Ferguson acted *ultra vires* to preempt the mandate of RCW 7.36.040,
2 claiming that the void *ab initio* ORAL authorized Ferguson to effectively suspend
3 Wash. Const. Art. I §13 and to violate RCW 7.36.040.
4

5 349. Benshoof's petition for writ of habeas corpus sought to arrest the
6 ongoing kidnapping of A.R.W. and the violation of Plaintiffs' right of familial
7 association.
8

9 350. Under color of law of the void *ab initio* ORAL, Russ acted to violate
10 Plaintiffs' right of familial association and rendered criminal assistance to the
11 kidnapping of A.R.W. by Owen and Lerman by acting to deny Benshoof's Motion for
12 Leave to File Petition for Writ of Habeas Corpus.

13 351. Under color of law of the void *ab initio* ORAL, Ferguson violated
14 Plaintiffs' right of familial association and rendered criminal assistance to the
15 kidnapping of A.R.W. by Owen and Lerman by denying Benshoof's Motion for Leave
16 to File Petition for Writ of Habeas Corpus

17 352. As a direct, proximate, and foreseeable result of the failure to trains its
18 judges by KING COUNTY, the widespread practice or custom of KING COUNTY
19 officials to deny Benshoof the privilege of a writ of habeas corpus, and as a result of
20 individual defendants' acts and failures to act, Plaintiffs have suffered cruel and
21 inhumane conditions and treatment and continue to suffer from such cruel and
22 inhumane acts, irreparable harm and damages for which they are entitled to recover.
23
24

**SEVENTH CAUSE OF ACTION
VIOLATION OF FIFTH AMENDMENT**

**Right to Due Process
42 U.S.C. § 1983**

353. Plaintiffs repeat and reallege each of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

354. In this seventh cause of action, defendants named in their individual capacity include clerk J. Doe and Jamal Whitehead.

355. The Fifth Amendment to the U.S. Constitution prohibited Defendants from violating Plaintiffs' right to due process.

356. Fed.R.Civ.P. 4(b) required clerk J. Doe to issue summons to Benshoof in WAWD No. 2:23-cv-1829-JNW when Benshoof e-filed praecipe to issue summons for Defendants KING COUNTY and Magalie Lerman on February 7, 2024. (*Id.*, Dkt. #17)

357. Under the *ultra vires* ministerial direction of Whitehead, clerk J. Doe has refused to issue summons for Defendants KING COUNTY and Magalie Lerman for approximately four months.

358. The doctrine of absolute judicial immunity does not protect Whitehead's *ultra vires* administrative directive that clerk J. Doe refuse issuing summons for Defendants KING COUNTY and Magalie Lerman for approximately four months.

359. Plaintiffs' private interest in seeking redress against Defendants KING COUNTY and Magalie Lerman was burdened by the acts of Defendants, and failure

1 to act by clerk J. Doe, one of the three factors in the balancing test for determining
 2 “what due process is due.” *Mathews v. Eldridge*, 424 U.S. 319, 333–35 (1976)

3 360. Whitehead’s ministerial directive, and clerk J. Doe’s non-discretionary
 4 refusal to issue summons, deprived Plaintiffs of their due process right to obtain
 5 summons and thereafter serve Defendants KING COUNTY and Magalie Lerman.
 6

7 361. There was no valid government interest in denying Plaintiffs’ their right
 8 to obtain summons for Defendants KING COUNTY and Magalie Lerman.

9 362. As a direct, proximate, and foreseeable result of the ministerial acts or
 10 refusal to act by Defendants, Plaintiffs have suffered, and continue to suffer,
 11 irreparable harm and damages for which they are entitled to recover.
 12

13 **EIGHTH CAUSE OF ACTION**
 14 **VIOLATION OF EIGHTH AMENDMENT**
 15 **Excessive Fines & Cruel Punishments**
 16 **42 U.S.C. § 1983**

17 363. Benshoof repeats and realleges each of the allegations contained in the
 18 foregoing paragraphs of this Complaint as if fully set forth herein.

19 364. In this eighth cause of action, defendants named herein include KING
 20 COUNTY, Marshall Ferguson, Blair Russ, Michael Tracy, and Sarah Turner,
 21 (“Defendants”). KING COUNTY is a “person” for the purposes of liability under 42
 22 U.S.C. § 1983.
 23

24 365. At all times relevant herein to this eighth cause of action Defendants
 25 were state actors, or individuals pervasively entwined as integral participants in joint

1 action with state actors, acting under color of law, and their conduct was subject to
2 42 U.S.C. § 1983.

3 366. Through the equal protection clause of the Fourteenth Amendment,
4 Defendants were prohibited from violating Eighth Amendment prohibitions against
5 subjecting Benshoof to excessive fines or cruel punishments.
6

7 367. The Eighth Amendment's categorical prohibition upon the infliction of
8 cruel and unusual punishment applies to practices condemned by the common law at
9 the time the Bill of Rights was adopted, as well as to punishments which offend our
10 society's evolving standards of decency as expressed in objective evidence of
11 legislative enactments and the conduct of sentencing juries. See *Penry v. Lynaugh*,
12 492 U.S. 302, 305 (1989)
13

14 368. Defendants were without evidence of “domestic relations” between
15 Benshoof and Owen.

16 369. Defendants were without evidence that a court had found that Benshoof
17 ever committed domestic violence against anyone.

18 370. Ferguson did not have statutory authority under RCW 26.51 to grant an
19 Order Restricting Abusive Litigation by Kurt Benshoof (“ORAL”).
20

21 371. Ferguson knowingly and willfully acted *ultra vires* in the absence of
22 jurisdiction to grant the ORAL and fine Benshoof \$78,118.39.

23 372. During oral arguments on February 29, 2024, Benshoof again reminded
24 Ferguson, Russ, Tracy, and Turner, that the Ferguson Court was acting *ultra vires*
25

1 to sanction and threaten Benshoof with fines or unlawful imprisonment.

2 373. On March 1, 2024, Ferguson granted an Order Finding of Contempt and
3 Imposing Sanctions Against Plaintiff Kurt Benshoof.

4 374. On March 29, 2024, Ferguson ordered sanctions against Benshoof
5 \$11,825 for Cliber, Tracy, and Turner.

6 375. On March 29, 2024, Ferguson ordered sanctions against Benshoof
7 \$11,014.92 for Owen and Russ.

8 376. Plaintiffs have suffered irreparable harm as a proximate result of the
9 actions, or failures to act, of Defendants.

10 377. As a direct, proximate, and foreseeable result of the failure to trains its
11 judges by KING COUNTY, the widespread practice or custom of KING COUNTY
12 officials to subject Benshoof to excessive fines or cruel punishments, and as a result
13 of individual defendants' *ultra vires* acts and failures to act, Plaintiffs have suffered
14 cruel and inhumane conditions and treatment and continue to suffer irreparable
15 harm and damages for which they are entitled to recover.

16
17
18 **NINTH CAUSE OF ACTION**
19 **RELIGIOUS FREEDOM RESTORATION ACT**
20 **42 U.S.C. § 2000bb**

21
22 378. Plaintiffs repeat and reallege each of the allegations contained in the
23 foregoing paragraphs of this Complaint as if fully set forth herein.

1 379. In this ninth cause of action, individual defendants named herein
2 include clerk J. Doe, and Jamal Whitehead (“Defendants”).

3 380. Benshoof has standing under article III §2 of the U.S. Constitution to
4 bring this ninth cause of action against Defendants, pursuant to the Religious
5 Freedom Restoration Act (“RFRA”), Pub. L. 103-141, Nov. 16, 1993.

6 381. At all relevant times herein, Defendants were the “government” under
7 42 U.S.C. §2000bb-2(1).

8 382. The “RFRA provides, as one avenue for relief, a right to seek damages
9 against Government employees.” *Tanzin v. Tanvir*, 141 S. Ct. 486, 492 (2020)
10 “RFRA’s express remedies provision permits litigants, when appropriate, to obtain
11 money damages against federal officials in their individual capacities.” *Id.* at 493
12

13 383. Defendants were prohibited from substantially burdening Benshoof’s
14 exercise of his religion, even if the burden resulted from a rule of general applicability,
15 except in the furtherance of a compelling government interest *and* the burden was
16 the least restrictive means of furthering that compelling government interest.
17

18 384. Benshoof duly informed Whitehead of his religious beliefs in writing,
19 *supra*, at ¶¶1-13
20

21 385. Defendants possess a class-based invidious discriminatory animus
22 towards Benshoof, due to his religious beliefs.

23 386. Benshoof’s views and expression related to honesty, due process,
24 equality under the law, and redress of grievances, are motivated by his sincerely held
25

1 religious beliefs, are ways through which Benshoof exercises his religious faith, and
2 constitute a central component of his sincerely held religious beliefs.

3 387. This practice or widespread custom of Defendants discriminating
4 against Benshoof for the free exercise of his religious beliefs was the moving force
5 behind Defendants acting ministerially to deny Benshoof the issuance of summons.
6

7 388. This practice or widespread custom of Whitehead discriminating against
8 Benshoof for the free exercise of his religious beliefs was the moving force behind
9 Whitehead refusing to adjudicate Benshoof's Fifth and Sixth TRO.

10 389. Under this practice or widespread custom, Defendants acted as integral
11 participants to discriminate against Benshoof for the free exercise of his religious
12 beliefs, and thereby retaliated against Benshoof by denying the issuance of summons
13 and refusing to adjudicate Benshoof's Fifth and Sixth TRO.
14

15 390. The ministerial practice or widespread custom of discriminating against
16 Benshoof for the free exercise of his religious beliefs was arbitrary and capricious,
17 absent any compelling government interest.

18 391. The practice or widespread custom of discriminating against Benshoof
19 for the free exercise of his religious beliefs was neither neutral nor generally
20 applicable but allowed Defendants to target religious expression and activities
21 specifically, and to discriminate against such expression by Benshoof.
22

392. The practices and widespread customs were neither neutral nor generally applicable because they represent a pattern of discriminating against Benshoof for exercising his religious beliefs.

393. The practices and widespread customs were underinclusive, prohibiting some expression while leaving unprohibited other expression equally harmful to Defendants' asserted interests.

394. As a direct, proximate, and foreseeable result of Defendants' ministerial acts, or failures to act, Plaintiffs have suffered irreparable harm and damages for which they are entitled to recover.

TENTH CAUSE OF ACTION VIOLATION OF FOURTEENTH AMENDMENT

Due Process Clause

42 U.S.C. § 1983

395. Plaintiffs repeat and reallege each of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

396. In this tenth cause of action, defendants named herein include KING COUNTY, Marshall Ferguson, Blair Russ, Michael Tracy, and Sarah Turner, ("Defendants"). KING COUNTY is a "person" for the purposes of liability under 42 U.S.C. § 1983.

397. The Fourteenth Amendment prohibited Defendants from acting as integral participants in joint action under color of law to deny Benshoof of life, liberty, or property without due process of law.

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1 398. At all times relevant herein to this tenth cause of action Defendants
 2 were state actors, or individuals pervasively entwined as integral participants in joint
 3 action with state actors, acting under color of law, and their conduct was subject to
 4 42 U.S.C. § 1983.
 5

6 **A. Habeas Petition**

7 399. KING COUNTY failed to properly train its judges, including Ferguson,
 8 regarding denying Benshoof's class the right to due process regarding petitions for
 9 writ of habeas corpus.

10 400. KING COUNTY officials displayed a custom or widespread practice of
 11 denying Benshoof's class the right to due process regarding petitions for writ of
 12 habeas corpus.
 13

14 401. Under the terms of the void *ab initio* ORAL, Benshoof could not file a
 15 petition for writ of habeas corpus in any superior court in the state of Washington
 16 without seeking leave to file from Ferguson, *supra*, ¶¶118-119.

17 402. Wash. Const. Art. I §13 states that the "privilege of the writ of habeas
 18 corpus ***shall not*** be suspended, unless incase of rebellion or invasion the public safety
 19 requires it." No rebellion or invasion occurred during the matters in controversy.
 20

21 403. RCW 7.36.040 states that "upon application the writ ***shall*** be granted
 22 without delay."

23 404. Ferguson acted *ultra vires* to preempt the mandate of RCW 7.36.040,
 24 claiming that the void *ab initio* ORAL authorized Ferguson to effectively suspend
 25

1 Wash. Const. Art. I §13 and to violate RCW 7.36.040.

2 405. Benshoof's petition for writ of habeas corpus sought to arrest the
3 ongoing kidnapping of A.R.W. and the violation of Plaintiffs' right of familial
4 association.

5
6 406. Under color of law of the void *ab initio* ORAL, Russ acted to violate
7 Plaintiffs' right of familial association and rendered criminal assistance to the
8 kidnapping of A.R.W. by Owen and Lerman by acting to deny Benshoof's Motion for
9 Leave to File Petition for Writ of Habeas Corpus.

10 407. Under color of law of the void *ab initio* ORAL, Ferguson violated
11 Plaintiffs' right of familial association and rendered criminal assistance to the
12 kidnapping of A.R.W. by Owen and Lerman by denying Benshoof's Motion for Leave
13 to File Petition for Writ of Habeas Corpus, thereby denying Benshoof due process.

14 408. Under color of law of the void *ab initio* ORAL, Ferguson and Russ acted
15 as integral participants in joint action to set in motion a series of events by which
16 Defendants knew or should have known would interfere with Benshoof's right to due
17 process under Fourteenth Amendment by refusing to issue a writ of habeas corpus
18 upon application.

19 409. Ferguson and Russ, because of their invidious discriminatory animus
20 towards Benshoof's class, willfully, maliciously, recklessly, and with callous
21 indifference, acted for the purpose of depriving, either directly or indirectly,
22 Benshoof's right to due process.

1 410. With callous indifference, Ferguson and Russ allowed harm to occur to
2 Plaintiffs by acting in concert to deny Benshoof due process of law to seek redress of
3 his grievances, thereby prolonging the ongoing kidnapping of A.R.W.
4

5 **B. ORAL & Contempt Order**

6 411. KING COUNTY failed to properly train its employees, including
7 Ferguson, regarding the right to due process of law before Ferguson acted *ultra vires*
8 to grant the ORAL and Contempt Order in violation of the Due Process Clause.

9 412. The widespread custom or practice of KING COUNTY officials was the
10 moving force behind the denial of Benshoof's right to due process of law and was both
11 causation-in-fact and proximate causation of the violations by Ferguson of the
12 Fourteenth Amendment and Benshoof's right to due process.
13

14 413. Defendants acted as integral participants in joint action to set in motion
15 a series of events by which the Contempt Order would be granted and enforced, which
16 Defendants knew or should have known would interfere with Plaintiffs' right of
17 familial association and right to petition for redress of their grievances, in violation
18 of the due process clause of the Fourteenth Amendment by denying Benshoof an
19 impartial hearing adjudicated upon the facts and law.
20

21 414. Ferguson issued the *ultra vires* Contempt Order without subject matter
22 jurisdiction pursuant to RCW 26.51.030(1). There was no inquiry nor finding by any
23 court that Benshoof had ever been found to be a domestic violence perpetrator, nor
24

1 did Ferguson have evidence of “domestic relations” between Benshoof and Owen;
 2 therefore, Defendants acted to deny Benshoof due process of law.

3 415. Defendants had time to make unhurried decisions and extended
 4 opportunities to do better.

5 416. Benshoof has suffered irreparable harm as a proximate result of the
 6 actions, and failures to act, of Defendants.

7 417. As a direct, proximate, and foreseeable result of the failure to trains its
 8 judges by KING COUNTY, the widespread practice or custom of KING COUNTY
 9 officials to deny Benshoof due process of law, and as a result of individual defendants’
 10 *ultra vires* acts and failures to act, Benshoof has suffered cruel and inhumane
 11 conditions and treatment and continue to suffer from such cruel and inhumane acts,
 12 irreparable harm and damages for which he is entitled to recover.

13
 14
 15 **ELEVENTH CAUSE OF ACTION**
 16 **VIOLATION OF FOURTEENTH AMENDMENT**

17 **Equal Protection Clause**

18 42 U.S.C. § 1983

19 418. Plaintiffs repeat and reallege each of the allegations contained in the
 20 foregoing paragraphs of this Complaint as if fully set forth herein.

21 419. In this eleventh cause of action, defendants named herein include KING
 22 COUNTY, clerk J. Doe, Marshall Ferguson, Blair Russ, Jessica Skelton, Michael
 23 Tracy, Sarah Turner, and Jamal Whitehead, (“Defendants”). KING COUNTY is a
 24 “person” for the purposes of liability under 42 U.S.C. § 1983.

25 COMPLAINT FOR DAMAGES
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1 420. At all times relevant herein to this eleventh cause of action Defendants
2 were state actors, or individuals pervasively entwined as integral participants in joint
3 action with state actors, acting under color of law, and their conduct was subject to
4 42 U.S.C. § 1983.
5

6 421. Defendants acted, or failed to act, willfully, maliciously, recklessly, and
7 with callous indifference, conspiring for the purpose of depriving, either directly or
8 indirectly, Plaintiffs of the equal protection of the laws, or of equal privileges and
9 immunities under the laws; or for the purpose of preventing or hindering the
10 constituted authorities of Washington from giving or securing to all persons within
11 Washington the equal protection of the laws.
12

13 422. KING COUNTY failed to properly train its officials, including Ferguson,
14 regarding granting a Contempt Order without statutory authority, and KING
15 COUNTY failed to properly train its officials regarding denying Benshoof the equal
16 protection of the law.
17

18 423. Ferguson denied Plaintiffs the equal protection of law under the
19 widespread custom of practice of KING COUNTY officials denying Plaintiffs the
20 equal protection of law.
21

22 424. Ferguson granting the ORAL and Contempt Order was the direct,
23 proximate, and foreseeable cause of violations of the Equal Protection Clause of the
24 Fourteenth Amendment and denying Plaintiffs equal protection under the law.
25

1 425. KING COUNTY's failure to train its officials was a moving force behind
2 the denial of Benshoof's right to equal protection and was both causation-in-fact and
3 proximate causation of the denying Plaintiffs' right to equal protection of the law.

4
5 426. Ferguson was absent a compelling interest in granting the Contempt
6 Order on March 1, 2024.

7 427. As a direct, proximate, and foreseeable result of the failure to trains its
8 judges by KING COUNTY, the widespread practice or custom of KING COUNTY
9 officials to deny Plaintiffs the equal protection of the law, and as a result of individual
10 defendants' *ultra vires* acts and failures to act, Plaintiffs have suffered cruel and
11 inhumane conditions and treatment and continue to suffer from such cruel and
12 inhumane acts, irreparable harm and damages for which they are entitled to recover.

13
14 **TWELFTH CAUSE OF ACTION**
15 **VIOLATION OF FOURTEENTH AMENDMENT**

16 **Privileges or Immunities Clause**

17 42 U.S.C. § 1983

18 428. Plaintiffs repeat and reallege each of the allegations contained in the
19 foregoing paragraphs of this Complaint as if fully set forth herein.

20 429. In this twelfth cause of action, defendants named herein include KING
21 COUNTY, Marshall Ferguson, Blair Russ, Michael Tracy, Sarah Turner, and Jamal
22 Whitehead, ("Defendants"). KING COUNTY is a "person" for the purposes of liability
23 under 42 U.S.C. § 1983.
24

1 430. At all times relevant herein to this twelfth cause of action Defendants
 2 were state actors, or individuals pervasively entwined as integral participants in joint
 3 action with state actors, acting under color of law, and their conduct was subject to
 4 42 U.S.C. § 1983.
 5

6 431. The Fourteenth Amendment to the U.S. Constitution, §1 states, “No
 7 State shall make or enforce any law which shall abridge the privileges or immunities
 8 of citizens of the United States.”

9 432. Defendants acted as integral participants in violating Plaintiffs’
 10 privileges or immunities as citizens of the United States. *Reynaga Hernandez v.*
 11 *Skinner*, 969 F.3d 930, 941-42 (9th Cir. 2020)
 12

13 **A. Writ of Habeas Corpus**

14 433. Article I § 9 Clause 2 of the U.S. Constitution states, “The Privilege of
 15 the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion
 16 or Invasion the public Safety may require it.”

17 434. The privilege of habeas relief is one of the privileges “which owe their
 18 existence to the Federal Government, its Nation character, its Constitution, or its
 19 laws.” *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 78-79 (1873)
 20

21 435. Wash. Const. Art. I §13 states that the “privilege of the writ of habeas
 22 corpus **shall not** be suspended, unless incase of rebellion or invasion the public safety
 23 requires it.” No rebellion or invasion occurred during the matters in controversy.
 24

1 436. RCW 7.36.040 states that “upon application the writ *shall* be granted
2 without delay.”

3 437. KING COUNTY officials had a custom and widespread practice of
4 refusing to grant a writ upon application, as required by RCW 7.36.040, and this
5 refusal to act is perpetrated under color of law.
6

7 438. Benshoof has been unlawfully imprisoned by KING COUNTY and CITY
8 OF SEATTLE officials, in violation of RCW 9A.40.040, for more than two years.

9 439. Upon Benshoof’s information and belief, KING COUNTY had a custom
10 or widespread practice of denying habeas relief to Benshoof’s class.

11 440. Upon Benshoof’s information and belief, KING COUNTY failed to
12 properly train its officials, including Ferguson, regarding Wash. Const. art I §13 and
13 the requirement of RCW 7.36.040 to issue a writ upon application.
14

15 441. By granting the void *ab initio* ORAL, Ferguson “knew about and
16 acquiesced in the constitutionally defective conduct as part of a common plan with
17 those” who would act under color of law to abridge Plaintiffs’ right to habeas relief.
18 *Peck v. Montoya*, 51 F.4th 877, 891 (9th Cir. 2022)
19

20 442. Be moving for the void *ab initio* ORAL, Russ set in motion a series of
21 events which Russ knew or reasonably should have known would cause others to act
22 under color of law to abridge Plaintiffs’ right to habeas relief. (*Id.*)
23
24
25

1 443. By granting the void *ab initio* ORAL, Ferguson set in motion a series of
 2 events which Ferguson knew or reasonably should have known would cause others to
 3 act under color of law to abridge Plaintiffs' right to habeas relief.

4 444. Under the filing requirements imposed by the void *ab initio* ORAL,
 5 Ferguson effectively granted himself the *ultra vires* power to act under color of law to
 6 abridge Plaintiffs' right to habeas relief.

7 **B. Constitutionally Protected Rights**

8 445. Rights protected by the U.S. Constitution "owe their existence to the
 9 Federal Government, its National character, its Constitution, or its laws." *Slaughter-*
 10 *Houe Cases*, 83 U.S. (16 Wall.) 36, 78-79 (1873) While Plaintiffs' rights are *endowed*
 11 by our Creator, without the Federal Government, its Constitution, or its laws, to
 12 uphold and protect Plaintiffs' rights, those rights would owe their existence to
 13 physical violence proportionate to the threats and acts of criminals.

14 446. By granting the void *ab initio* ORAL and Contempt Order, Ferguson
 15 "knew about and acquiesced in the constitutionally defective conduct as part of a
 16 common plan" with those who would act under color of law to inflict excessive fines
 17 or cruel punishments upon Benshoof. (*Id.*)

18 447. By moving for financial sanctions against Benshoof or the imprisonment
 19 of Benshoof under the void *ab initio* ORAL and Contempt Order, Russ, Tracy, and
 20 Turner set in motion a series of acts by Ferguson which Russ, Tracy, and Turner
 21 knew or reasonably should have known would cause others to violate Benshoof's free

1 exercise of religion and right to not be subject to excessive fines or cruel punishments,
2 and cause others to violate Plaintiffs' right of association, right to petition for redress,
3 right to life and liberty, right to due process, and right to equal protection under the
4 law.
5

6 448. By refusing to adjudicate Benshoof's Fifth TRO, Whitehead set in
7 motion a series of acts by others which Whitehead knew or reasonably should have
8 known would cause others to violate Benshoof's free exercise of religion and right to
9 not be subject to excessive fines or cruel punishments, and cause others to violate
10 Plaintiffs' right of association, right to petition for redress, right to life and liberty,
11 right to due process, and right to equal protection under the law.
12

13 449. By refusing to adjudicate Benshoof's Sixth TRO, Whitehead set in
14 motion a series of acts by others which Whitehead knew or reasonably should have
15 known would cause others to violate Benshoof's free exercise of religion and right to
16 not be subject to excessive fines or cruel punishments, and cause others to violate
17 Plaintiffs' right of association, right to petition for redress, right to life and liberty,
18 right to due process, and right to equal protection under the law.
19

20 450. As a direct, proximate, and foreseeable result of the failure to trains its
21 judges by KING COUNTY, the widespread practice or custom of KING COUNTY
22 officials to abridge the privileges or immunities Plaintiffs, and as a result of
23 individual defendants' *ultra vires* acts and failures to act, Plaintiffs have suffered
24 irreparable harm and damages for which they are entitled to recover.
25

THIRTEENTH CAUSE OF ACTION
CONSPIRACY

Obstruction of Justice

42 U.S.C. § 1985(2)

451. Plaintiffs repeat and reallege each of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

452. In this thirteenth cause of action, defendants named herein include KING COUNTY, clerk J. Doe, Marshall Ferguson, Blair Russ, Jessica Skelton, Michael Tracy, Sarah Turner, and Jamal Whitehead, ("Defendants"). KING COUNTY is a "person" for the purposes of liability under 42 U.S.C. § 1983.

453. At all times relevant herein to this thirteenth cause of action, individual Defendants were state actors, or individuals pervasively entwined as integral participants in joint action with state actors, acting under color of law, and their conduct was subject to 42 U.S.C. § 1985(2).

454. Individual Defendants conspired for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the laws of Washington and the due course of justice, with intent to deny Plaintiffs the equal protection of the laws, or to injure Benshoof or his property for lawfully enforcing, or attempting to enforce, the right of Plaintiffs to the equal protection of the laws.

455. Defendants' parallel acts constituted a conspiracy. "Well-pleaded, nonconclusory factual allegations of parallel behavior" gives "rise to a 'plausible suggestion of conspiracy.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 680 (2009) A conspiracy

1 between the State and a private party to violate another's constitutional rights may
 2 satisfy the "joint action" test for finding the private party liable as a "state actor"
 3 under § 1983. 42 U.S.C.A. § 1983. *Brunette v. Humane Soc'y of Ventura Cnty.*, 294
 4 F.3d 1205 (9th Cir. 2002), as amended on denial of reh'g and reh'g en banc (Aug. 23,
 5 2002)
 6

7 456. As a direct, proximate, and foreseeable result of the failure to trains its
 8 judges by KING COUNTY, the widespread practice or custom of KING COUNTY
 9 officials to deny Plaintiffs the equal protection of the law, and as a result of individual
 10 Defendants' *ultra vires* acts and failures to act, Plaintiffs have suffered cruel and
 11 inhumane conditions and treatment and continue to suffer from such cruel and
 12 inhumane acts, irreparable harm and damages for which they are entitled to recover.
 13

14 **FOURTEENTH CAUSE OF ACTION**
 15 **CONSPIRACY**

16 **Deprivation of Rights or Privileges**

17 42 U.S.C. § 1985(3)

18 457. Plaintiffs repeat and reallege each of the allegations contained in the
 19 foregoing paragraphs of this Complaint as if fully set forth herein.

20 458. In this fourteenth cause of action, defendants named herein include
 21 clerk J. Doe, Marshall Ferguson, Blair Russ, Jessica Skelton, Michael Tracy, Sarah
 22 Turner, and Jamal Whitehead ("Defendants").
 23

24 459. At all times relevant herein to this fourteenth cause of action
 25 Defendants were state actors, or individuals pervasively entwined as integral

1 participants in joint action with state actors, acting under color of law, and their
2 conduct was subject to 42 U.S.C. § 1985(3).

3 460. Defendants hold a class-based invidious discriminatory animus toward
4 Benshoof for the exercise of his religious beliefs and his petitions for redress.

5 461. Defendants' acts under color of law aimed to deprive Plaintiffs of the
6 equal enjoyment of constitutional or federal statutory rights secured by the law to all.
7 *Parratt vs. Taylor*, 451 U.S. 527, 535 (1981), *Gomez vs. Toledo*, 446 U.S. 635, 640
8 (1980)
9

10 462. 42 U.S.C. § 1985(3) covers private conspiracies. *Griffin v. Breckenridge*,
11 403 U.S. 88 (1971). See also *Life Ins. Co. of N. Am. v. Reichardt*, 591 F.2d 499 (9th
12 Cir. 1979), *Marlowe v. Fisher Body*, 489 F.2d 1057 (6th Cir. 1973), *Richardson v. Miller*,
13 446 F.2d 1247 (3rd Cir. 1971)
14

15 463. Defendants' acts, or willful failures to act, were intended to deter the
16 attendance or testimony in federal court of Plaintiffs, as well as numerous defendants
17 named by Plaintiffs.

18 464. Defendants' acts, or willful failures to act, retaliated against Benshoof
19 for recording documents of Plaintiffs' sworn testimonial statements in federal court.
20

21 465. Defendants' parallel acts constituted a conspiracy. "Well-pleaded,
22 nonconclusory factual allegations of parallel behavior" gives "rise to a 'plausible
23 suggestion of conspiracy.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 680 (2009) A conspiracy
24 between the State and a private party to violate another's constitutional rights may
25

1 satisfy the “joint action” test for finding the private party liable as a “state actor”
2 under § 1983. 42 U.S.C.A. § 1983. *Brunette v. Humane Soc’y of Ventura Cnty.*, 294
3 F.3d 1205 (9th Cir. 2002), as amended on denial of reh’g and reh’g en banc (Aug. 23,
4 2002)

5
6 466. Defendants, because of their invidious discriminatory animus towards
7 Benshoof, willfully, maliciously, recklessly, and with callous indifference, conspired
8 for the purpose of depriving, either directly or indirectly, Benshoof’s free exercise of
9 his religious beliefs, Plaintiffs’ right to petition for redress, Plaintiffs’ right of
10 association, Plaintiffs’ right to life and liberty, Benshoof’s right to due process,
11 Benshoof’s right to be free from excessive bail or cruel punishments, Plaintiffs’ right
12 to due process, and Plaintiffs’ right to equal protection under the law.

13
14 467. Defendants acted to deny Plaintiffs of the equal protection of the laws,
15 or of equal privileges and immunities under the laws; or for the purpose of preventing
16 or hindering the constituted authorities of Washington from giving or securing to all
17 persons within Washington the equal protection of the laws.

18
19 468. Defendants conspired to deprive Plaintiffs of rights or privileges using
20 misrepresentation, coercion, harassment, intimidation, extortion, malicious
21 prosecutions, and threats of theft, robbery, and unlawful imprisonment.

22 469. As a direct, proximate, and foreseeable result of Defendants’ acts,
23 Plaintiffs have suffered, and continue to suffer, irreparable harm and damages for
24 which they are entitled to recover.

1 470. As a direct, proximate, and foreseeable result of the failure to trains its
 2 judges by KING COUNTY, the widespread practice or custom of KING COUNTY
 3 officials to deprive Plaintiffs of their rights, and as a result of individual Defendants'
 4 *ultra vires* acts and failures to act, Plaintiffs have suffered irreparable harm and
 5 damages for which they are entitled to recover
 6

7 **FIFTEENTH CAUSE OF ACTION**
 8 **NEGLECT TO PREVENT**
 9 **42 U.S.C. § 1986**

10 471. Plaintiffs repeat and reallege each of the allegations contained in the
 11 foregoing paragraphs of this Complaint as if fully set forth herein.
 12

13 472. In this fifteenth cause of action, defendants named herein include clerk
 14 J. Doe, Marshall Ferguson, Blair Russ, Jessica Skelton, Michael Tracy, Sarah Turner,
 15 and Jamal Whitehead, ("Defendants").
 16

17 **Neglect to Prevent § 1985(2)**

18 473. Defendants had actual knowledge of the § 1985(2) conspiracy and,
 19 despite having power to prevent or aid the preventing of the commission of the same,
 20 refused or neglected to act to prevent acts impeding, hindering, obstructing, or
 21 defeating the due course of justice in Washington; that is, the acts intended to deny
 22 Plaintiffs the equal protection of the laws, or to injure him or his property for
 23 attempting to enforce the rights of A.R.W., and those of Benshoof or his class, to the
 24 equal protection of the laws.
 25

Neglect to Prevent § 1985(3)

474. Defendants had actual knowledge of the § 1985(3) conspiracy and, despite having power to prevent or aid the preventing of the commission of the same, refused or neglected to do so; that is, the acts intended to deprive, either directly or indirectly, Plaintiffs of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of Washington from giving or securing to all persons within such State or Territory the equal protection of the laws.

475. By reason of the foregoing, and as a direct, proximate, and foreseeable result of Defendants' neglect to prevent wrongs which were conspired to be done, and were done, Plaintiffs suffered, and continue to suffer, irreparable harm and damages.

VI. DEMAND FOR RELIEF

WHEREFORE, Plaintiffs demand judgment as follows:

- A. An order declaring that all Defendants' acts or omissions, described herein, violated the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution;
- B. Compensatory damages against KING COUNTY, in an amount to be determined at trial;
- C. Compensatory damages against all individual Defendants jointly and severally, in their individual capacities, in an amount to be determined at trial;

D. Punitive damages against all individual Defendants, in their individual capacities in an amount to be determined at trial;

E. Reasonable costs and fees, including fees in accordance with RCW 4.84; 42 U.S.C. § 2000a-3(b); 28 U.S.C. § 1927; 28 U.S.C. § 2412(d)(1)(A); Fed.R.Civ.P. 11(1); Fed.R.Civ.P. 54(d); and any other applicable law.

F. Pre- and post-judgment interest as allowed by law;

G. Any other relief this Court deems just and proper.

VII. DEMAND FOR TRIAL BY JURY

Plaintiffs demand a trial by jury pursuant to the Seventh Amendment to the United States Constitution and pursuant to Federal Rule of Civil Procedure 38(b).

VERIFICATION

I, Kurt Benshoof, do hereby declare that the foregoing is true and correct to the best of my knowledge under penalty of perjury in the State of Washington and under the laws of the United States. Executed this 6th day of June in the year 2024, in the city of Seattle, in the county of King, in the state of Washington.

By:



Kurt Benshoof Plaintiff *pro se*
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